

10-13-82
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Test Report Federal Register

012
Book 1 of 3 Books
Wednesday, October 13, 1982

Selected Subjects

Administrative Practice and Procedure

Federal Communications Commission
Immigration and Naturalization Service

Banks, Banking

Federal Reserve System

Commodity Futures

Commodity Futures Trading Commission

Fisheries

National Oceanic and Atmospheric Administration

Flood Insurance

Federal Emergency Management Agency

Freedom of Information

United States Information Agency

Marine Mammals

National Oceanic and Atmospheric Administration

Marketing Agreements

Agricultural Marketing Service

Meat and Poultry Products

Agriculture Department
Food Safety and Inspection Service

National Parks

National Park Service

Natural Gas

Federal Energy Regulatory Commission

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Selected Subjects

Pesticides and Pests

Environmental Protection Agency

Radio Broadcasting

Federal Communications Commission

Television

Federal Communications Commission

Trade Practices

Federal Trade Commission

Water Pollution Control

Environmental Protection Agency

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Title 3—

Executive Order 12387 of October 8, 1982

The President

Adjustments of Certain Rates of Pay and Allowances

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Statutory Pay Systems. Pursuant to the provisions of subchapter I of Chapter 53 of Title 5 of the United States Code, the rates of basic pay and salaries are adjusted, as set forth at the schedules attached hereto and made a part hereof, for the following statutory pay systems:

- (a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;
- (b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2;
- (c) The Schedules for the Department of Medicine and Surgery, Veterans Administration (38 U.S.C. 4107) at Schedule 3; and
- (d) The rates of basic pay for the Senior Executive Service (5 U.S.C. 5382) at Schedule 4.

Sec. 2. Pay and Allowances for Members of the Uniformed Services. Pursuant to the provisions of Section 1009 of Title 37 of the United States Code, the rates of monthly basic pay (37 U.S.C. 203 (a) and (c)), the rates of basic allowances for subsistence (37 U.S.C. 402), and the rates of basic allowances for quarters (37 U.S.C. 403(a)) are adjusted, as set forth at Schedule 5 attached hereto and made a part hereof, for members of the uniformed services.

Sec. 3. Executive Salaries. The Executive Salary Cost-of-Living Adjustment Act (Public Law 94-82, 89 Stat. 419) provides for adjustments in rates of pay and salaries as set forth at the schedules attached hereto and made a part hereof, for the following:

- (a) The Vice President (3 U.S.C. 104) and the Executive Schedule (5 U.S.C. 5312-5316) at Schedule 6;
- (b) Congressional Salaries (2 U.S.C. 31) at Schedule 7; and
- (c) Judicial Salaries (28 U.S.C. 5, 44(d), 135, 172(b), 252, and 11 U.S.C. 68(a), and Section 401(a), 404(a), 404(b) and 404(d) of Public Law 95-598) at Schedule 8.

Sec. 4. Effective Date. The adjustments in rates of monthly basic pay and allowances for subsistence and quarters for members of the uniformed services shall be effective on October 1, 1982. All other adjustments of salary or pay shall be effective on the first day of the first applicable pay period beginning on or after October 1, 1982.

Sec. 5. *Superseded Executive Order.* Executive Order No. 12330 of October 15, 1981 is superseded.

Ronald Reagan

THE WHITE HOUSE,
October 8, 1982.

Billing code 3195-01-M

Schedule 1- THE GENERAL SCHEDULE^{1/}

	1	2	3	4	5	6	7	8	9	10
GS-1	\$ 8,676	\$ 8,965	\$ 9,254	\$ 9,542	\$ 9,831	\$10,000	\$10,286	\$10,572	\$10,585	\$10,857
2	9,756	9,987	10,310	10,585	10,703	11,018	11,333	11,648	11,963	12,278
3	10,645	11,000	11,355	11,710	12,065	12,420	12,775	13,130	13,485	13,840
4	11,949	12,347	12,745	13,143	13,541	13,939	14,337	14,735	15,133	15,531
5	13,369	13,815	14,261	14,707	15,153	15,599	16,045	16,491	16,937	17,383
6	14,901	15,398	15,895	16,392	16,889	17,386	17,883	18,380	18,877	19,374
7	16,559	17,111	17,663	18,215	18,767	19,319	19,871	20,423	20,975	21,527
8	18,339	18,950	19,561	20,172	20,783	21,394	22,005	22,616	23,227	23,838
9	20,256	20,931	21,606	22,281	22,956	23,631	24,306	24,981	25,656	26,331
10	22,307	23,051	23,795	24,539	25,283	26,027	26,771	27,515	28,259	29,003
11	24,508	25,325	26,142	26,959	27,776	28,593	29,410	30,227	31,044	31,861
12	29,374	30,353	31,332	32,311	33,290	34,269	35,248	36,227	37,206	38,185
13	34,930	36,094	37,258	38,422	39,586	40,750	41,914	43,078	44,242	45,406
14	41,277	42,653	44,029	45,405	46,781	48,157	49,533	50,909	52,285	53,661
15	48,553	50,171	51,789	53,407	55,025	56,643	58,261	59,879	61,497	63,115
16	56,945	58,843	60,741	62,639	64,537	66,435	68,333	70,231	72,129	
17	66,708	68,932	71,156	73,380	75,604					
18	78,184									

^{1/} Basic pay is limited by sec. 5308 of title 5 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, \$63,800. Notwithstanding that rate, the maximum rate payable, as of the effective date of this schedule, is \$57,500. (The effect of sec. 101(e) of Public Law 97-276 (the continuing resolution approved October 2, 1982) is to limit the use of the funds so appropriated so that they are not available to pay salaries in this schedule at a rate which exceeds the rate payable for level V of the Executive Schedule on September 30, 1982.)

Schedule 2 - THE FOREIGN SERVICE SCHEDULE^{1/}

	1	2	3	4	5	6	7
Class 1	\$48,553	\$50,010	\$51,510	\$53,055	\$54,647	\$56,286	\$57,975
2	39,342	40,522	41,738	42,990	44,280	45,608	46,976
3	31,879	32,835	33,820	34,835	35,880	36,956	38,065
4	25,831	26,606	27,404	28,226	29,073	29,945	30,844
5	20,931	21,559	22,206	22,872	23,558	24,265	24,993
6	18,712	19,273	19,852	20,447	21,061	21,692	22,343
7	16,728	17,230	17,747	18,279	18,828	19,392	19,974
8	14,954	15,403	15,865	16,341	16,831	17,336	17,856
9	13,369	13,770	14,183	14,609	15,047	15,498	15,963
	8	9	10	11	12	13	14
Class 1	\$59,714	\$61,505	\$63,115	\$63,115	\$63,115	\$63,115	\$63,115
2	48,386	49,837	51,332	52,872	54,459	56,092	57,775
3	39,207	40,383	41,595	42,843	44,128	45,452	46,815
4	31,769	32,722	33,704	34,715	35,756	36,829	37,934
5	25,742	26,515	27,310	28,130	28,973	29,843	30,738
6	23,013	23,704	24,415	25,147	25,902	26,679	27,479
7	20,573	21,191	21,826	22,481	23,155	23,850	24,566
8	18,392	18,943	19,512	20,097	20,700	21,321	21,960
9	16,442	16,935	17,444	17,967	18,506	19,061	19,633

^{1/} Basic pay is limited by sec. 5308 of title 5 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, \$63,800. Notwithstanding that rate, the maximum rate payable, as of the effective date of this schedule, is \$57,500. (The effect of sec. 101(e) of Public Law 97-276 (the continuing resolution approved October 2, 1982) is to limit the use of the funds so appropriated so that they are not available to pay salaries in this schedule at a rate which exceeds the rate payable for level V of the Executive Schedule on September 30, 1982.)

Schedule 3 - DEPARTMENT OF MEDICINE AND SURGERY SCHEDULES, VETERANS' ADMINISTRATION

	Minimum	Maximum
Sec. 4103 schedule:		
Chief Medical Director.....	(1).....	2/ \$87,676
Deputy Chief Medical Director.....	(1).....	2/ 84,106
Associate Deputy Chief Medical Director.....	(1).....	2/ 80,558
Assistant Chief Medical Director.....	(1).....	2/ 78,184
Medical Director.....	4/ \$66,708.....	2/ 75,604
Director of Nursing Service.....	2/ 66,708.....	2/ 75,604
Director of Podiatric Service.....	56,945.....	2/ 72,129
Director of Chaplain Service.....	56,945.....	2/ 72,129
Director of Pharmacy Service.....	56,945.....	2/ 72,129
Director of Dietetic Service.....	56,945.....	2/ 72,129
Director of Optometric Service.....	56,945.....	2/ 72,129
Physician and dentist schedule:		
Director grade.....	56,945.....	4/ 72,129
Executive grade.....	52,581.....	2/ 68,358
Chief grade.....	48,553.....	2/ 63,115
Senior grade.....	41,277.....	53,661
Intermediate grade.....	34,930.....	45,406
Full grade.....	29,374.....	38,185
Associate grade.....	24,508.....	31,861
Nurse schedule:		
Director grade.....	48,553.....	4/ 63,115
Assistant Director grade.....	41,277.....	53,661
Chief grade.....	34,930.....	45,406
Senior grade.....	29,374.....	38,185
Intermediate grade.....	24,508.....	31,861
Full grade.....	20,256.....	26,331
Associate grade.....	17,431.....	22,660
Junior grade.....	14,901.....	19,374
Clinical podiatrist and optometrist schedule:		
Chief grade.....	48,553.....	4/ 63,115
Senior grade.....	41,277.....	53,661
Intermediate grade.....	34,930.....	45,406
Full grade.....	29,374.....	38,185
Associate grade.....	24,508.....	31,861

1/ Single rate.

2/ Basic pay is limited by sec. 4107(d) of title 38 of the United States Code to the rate for level III of the Executive Schedule which is, as of the effective date of this schedule, \$70,500. Notwithstanding that rate, the maximum rate payable for this position, as of the effective date of this schedule, is \$59,500. (The effect of sec. 101(e) of Public Law 97-276 (the continuing resolution approved October 2, 1982) is to limit the use of the funds so appropriated so that they are not available to pay a salary for this position at a rate which exceeds the rate payable for level III of the Executive Schedule on September 30, 1982.)

3/ Basic pay is limited by sec. 4107(d) of title 38 of the United States Code to the rate for level IV of the Executive Schedule which is, as of the effective date of this schedule, \$67,200. Notwithstanding that rate, the maximum rate payable for this position, as of the effective date of this schedule, is \$58,500. (The effect of sec. 101(e) of Public Law 97-276 (the continuing resolution approved October 2, 1982) is to limit the use of funds so appropriated so that they are not available to pay a salary for this position at a rate which exceeds the rate payable for level IV of the Executive Schedule on September 30, 1982.)

4/ Basic pay is limited by sec. 4107(d) of title 38 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, \$63,800. Notwithstanding that rate, the maximum rate payable for these positions or grades, as of the effective date of this schedule, is \$57,500. (The effect of sec. 101(e) of Public Law 97-276 (the continuing resolution approved October 2, 1982) is to limit the use of the funds so appropriated so that they are not available to pay a salary for these positions or grades at a rate which exceeds the rate payable for level V of the Executive Schedule on September 30, 1982.)

Schedule 4 - SENIOR EXECUTIVE SERVICE SCHEDULE

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ES-2.....	59,230 ^{1/}
ES-3.....	61,515 ^{1/}
ES-4.....	63,800 ^{1/}
ES-5.....	65,500 ^{1/}
ES-6.....	67,200 ^{1/}

^{1/} Notwithstanding these rates, the maximum rate payable, as of the effective date of this schedule, at these levels is \$58,500. (The effect of sec. 101(e) of Public Law 97-276 (the continuing resolution approved October 2, 1982) is to limit the use of the funds so appropriated so that they are not available to pay salaries at a rate which exceeds the rate payable for level IV of the Executive Schedule on September 30, 1982.)

Schedule 5 - PAY AND ALLOWANCES OF THE UNIFORMED SERVICES
Part 1 - Monthly Basic Pay
(Years of service computed under 37 U.S.C. 205)

Pay grade	Commissioned Officers ^{1/}							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
O-10 ^{2/}	\$4,686.90	\$4,851.90	\$4,851.90	\$4,851.90	\$4,851.90	\$5,037.90	\$5,037.90	\$5,423.70
O-9.....	4,154.10	4,263.00	4,353.60	4,353.60	4,353.60	4,464.30	4,464.30	4,650.00
O-8.....	3,762.30	3,875.10	3,967.20	3,967.20	3,967.20	4,063.00	4,063.00	4,263.00
O-7.....	3,126.30	3,339.00	3,339.00	3,339.00	3,488.40	3,488.40	3,690.90	3,690.90
O-6.....	2,317.20	2,546.10	2,712.60	2,712.60	2,712.60	2,712.60	2,712.60	2,712.60
O-5.....	1,853.40	2,176.50	2,326.50	2,326.50	2,326.50	2,326.50	2,397.30	2,526.00
O-4.....	1,562.10	1,902.00	2,029.20	2,029.20	2,066.40	2,158.20	2,305.20	2,434.80
O-3 ^{3/}	1,451.70	1,623.00	1,734.90	1,919.70	2,011.50	2,084.10	2,196.30	2,305.20
O-2 ^{3/}	1,265.70	1,382.40	1,650.80	1,716.60	1,752.60	1,752.60	1,752.60	1,752.60
O-1 ^{3/}	1,098.90	1,143.90	1,382.40	1,382.40	1,382.40	1,382.40	1,382.40	1,382.40

Pay grade	Commissioned Officers ^{1/}						
	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 ^{2/}	\$5,423.70	\$5,811.60	\$5,811.60	\$6,200.40	\$6,200.40	\$6,587.40	\$6,587.40
O-9.....	4,650.00	5,037.90	5,037.90	5,423.70	5,423.70	5,811.60	5,811.60
O-8.....	4,464.30	4,650.00	4,851.90	5,037.90	5,239.80	5,239.80	5,239.80
O-7.....	3,875.10	4,263.00	4,555.80	4,555.80	4,555.80	4,555.80	4,555.80
O-6.....	2,804.70	3,248.40	3,414.60	3,488.40	3,690.90	4,002.90	4,002.90
O-5.....	2,595.20	2,896.80	3,063.30	3,155.70	3,266.10	3,266.10	3,266.10
O-4.....	2,546.10	2,657.70	2,731.20	2,731.20	2,731.20	2,731.20	2,731.20
O-3 ^{3/}	2,361.90	2,361.90	2,361.90	2,361.90	2,361.90	2,361.90	2,361.90
O-2 ^{3/}	1,752.60	1,752.60	1,752.60	1,752.60	1,752.60	1,752.60	1,752.60
O-1 ^{3/}	1,382.40	1,382.40	1,382.40	1,382.40	1,382.40	1,382.40	1,382.40

^{1/} Basic pay is limited by sec. 5308 of title 5 of the United States Code to the rate for level V of the Executive Schedule. (See also Note A.)

^{2/} While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is \$7,268.10 regardless of cumulative years of service computed under sec. 205 of title 37 of the United States Code. (See also Note A.)

^{3/} Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members or warrant officers.

Note A. Basic rate of pay for level V of the Executive Schedule is, as of the effective date of this schedule, \$63,800 annually. Notwithstanding that rate, the maximum rate payable for level V of the Executive Schedule, as of the effective date of this schedule, is \$57,500 annually. (The effect of sec. 101(e) of Public Law 97-276 (the continuing resolution approved October 2, 1982) is to limit the use of the funds so appropriated so that they are not available to pay basic pay in this schedule at a rate which exceeds the rate payable for level V of the Executive Schedule on September 30, 1982.)

(Years of service computed under 37 U.S.C. 205)

Pay Grade		Over 4	Over 5	Over 8	Over 10	Over 12	Over 14	
Commissioned officers who have been credited with over 4 years active service as enlisted members or warrant officers:								
O-3.....		\$1,919.70	\$2,011.50	\$2,084.10	\$2,196.30	\$2,305.20	\$2,397.30	
O-2.....		1,716.60	1,752.60	1,808.10	1,902.00	1,974.90	2,029.20	
O-1.....		1,382.40	1,476.60	1,531.20	1,586.40	1,641.60	1,716.60	
		Over 16	Over 18	Over 20	Over 22	Over 26	Over 30	
O-3.....		\$2,397.30	\$2,397.30	\$2,397.30	\$2,397.30	\$2,397.30	\$2,397.30	
O-2.....		2,029.20	2,029.20	2,029.20	2,029.20	2,029.20	2,029.20	
O-1.....		1,716.60	1,716.60	1,716.60	1,716.60	1,716.60	1,716.60	
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
Warrant Officers:								
W-4.....	\$1,479.00	\$1,586.40	\$1,586.40	\$1,623.00	\$1,696.80	\$1,771.50	\$1,845.90	\$1,974.90
W-3.....	1,344.30	1,458.30	1,458.30	1,476.60	1,494.30	1,603.50	1,596.80	1,752.60
W-2.....	1,177.50	1,273.50	1,273.50	1,310.70	1,382.40	1,458.30	1,513.20	1,568.70
W-1.....	981.00	1,124.70	1,124.70	1,218.60	1,273.50	1,328.40	1,382.40	1,439.70
		Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4.....		\$2,066.40	\$2,139.30	\$2,196.30	\$2,267.70	\$2,343.60	\$2,526.00	\$2,526.00
W-3.....		1,808.10	1,862.40	1,919.70	1,994.10	2,066.40	2,139.30	2,139.30
W-2.....		1,623.00	1,679.70	1,734.90	1,789.80	1,862.40	1,862.40	1,862.40
W-1.....		1,494.30	1,549.20	1,603.50	1,660.80	1,660.80	1,660.80	1,660.80
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
En listed members:								
E-9.....	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$1,720.20	\$1,759.20
E-8.....	0.00	0.00	0.00	0.00	0.00	1,443.00	1,483.80	1,522.80
E-7.....	1,007.40	1,087.20	1,128.00	1,167.00	1,207.20	1,245.30	1,285.50	1,325.10
E-6.....	866.40	944.70	984.30	1,026.00	1,063.80	1,102.80	1,143.30	1,202.10
E-5.....	760.80	828.00	867.90	905.70	965.10	1,004.40	1,044.60	1,083.00
E-4.....	709.50	749.10	792.90	854.70	888.60	888.60	888.60	888.60
E-3.....	668.40	704.70	733.20	762.30	762.30	762.30	762.30	762.30
E-2.....	642.90	642.90	642.90	642.90	642.90	642.90	642.90	642.90
E-1.....	573.60	573.60	573.60	573.60	573.60	573.60	573.60	573.60
		Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 ^{1/2}		\$1,799.10	\$1,840.50	\$1,881.30	\$1,917.90	\$2,019.00	\$2,215.20	\$2,215.20
E-8.....		1,562.70	1,603.80	1,640.70	1,681.20	1,779.90	1,978.50	1,978.50
E-7.....		1,385.10	1,424.40	1,464.60	1,483.50	1,583.10	1,779.90	1,779.90
E-6.....		1,239.90	1,279.80	1,299.30	1,299.30	1,299.30	1,299.30	1,299.30
E-5.....		1,102.80	1,102.80	1,102.80	1,102.80	1,102.80	1,102.80	1,102.80
E-4.....		888.60	888.60	888.60	888.60	888.60	888.60	888.60
E-3.....		762.30	762.30	762.30	762.30	762.30	762.30	762.30
E-2.....		642.90	642.90	642.90	642.90	642.90	642.90	642.90
E-1.....		573.60	573.60	573.60	573.60	573.60	573.60	573.60

^{1/} While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$2,692.50 regardless of cumulative years of service computed under sec. 205 of title 37 of the United States Code.

Part II-Basic Allowance for Subsistence Rates

Officers (per month).....	\$98.17
Enlisted members (per day):	
When on leave or authorized to mess separately.....	4.68
When rations in-kind are not available.....	5.29
When assigned to duty under emergency conditions where no messing facilities of the United States are available....	7.00

Part III - Monthly Basic Allowance for Quarters Rates

Pay grade	Without dependents		With dependents
	Full rate ¹	Partial rate ²	
Commissioned officers:			
O-10.....	\$508.50	\$50.70	\$636.30
O-9.....	508.50	50.70	636.30
O-8.....	508.50	50.70	636.30
O-7.....	508.50	50.70	636.30
O-6.....	456.60	39.60	556.80
O-5.....	420.90	33.00	506.70
O-4.....	374.70	26.70	452.10
O-3.....	329.40	22.20	406.50
O-2.....	286.20	17.70	361.80
O-1.....	223.50	13.20	290.70
Warrant officers:			
W-4.....	360.90	25.20	435.90
W-3.....	321.90	20.70	396.90
W-2.....	279.90	15.90	356.40
W-1.....	252.60	13.80	327.30
Enlisted members:			
E-9.....	272.40	18.60	383.40
E-8.....	251.10	15.30	354.00
E-7.....	213.60	12.00	329.40
E-6.....	194.10	9.90	303.30
E-5.....	186.60	8.70	278.70
E-4.....	164.40	8.10	244.80
E-3.....	147.00	7.80	213.60
E-2.....	129.90	7.20	213.60
E-1.....	122.70	6.90	213.60

1 Payment of the full rate of basic allowance for quarters at these rates to members of the uniformed services without dependents is authorized by 37 U.S.C. 403 and part IV of Executive Order 11157, as amended.

2 Payment of the partial rate of basic allowance for quarters at these rates to members of the uniformed services without dependents who, under 37 U.S.C. 403(b) or 403(c), are not entitled to the full rate of basic allowance for quarters, is authorized by 37 U.S.C. 1009(d) and part IV of Executive Order 11157, as amended.

Part IV - Monthly Rate of Cadet or Midshipman Pay

The rate of monthly cadet or midshipman pay authorized by sec. 203(c) of title 37 of the United States Code is increased to \$480.00.

Schedule 6 - VICE PRESIDENT AND THE EXECUTIVE SCHEDULE

Vice President.....	\$100,700
Level I.....	88,600
Level II.....	77,300
Level III.....	70,500
Level IV.....	67,200
Level V.....	63,800

Note. Notwithstanding the above rates, the maximum rates payable, as of the effective date of this schedule, are set forth below. (The effect of sec. 101(e) of Public Law 97-276 (the continuing resolution approved October 2, 1982) is to limit the use of the funds so appropriated so that they are not available to pay salaries in this schedule at rates which exceed the rates payable on September 30, 1982.)

Vice President.....	\$ 79,125.00
Level I.....	69,630.00
Level II.....	60,662.50
Level III.....	59,500.00
Level IV.....	58,500.00
Level V.....	57,500.00

Schedule 7 - CONGRESSIONAL SALARIES

Senator.....	\$ 77,300
Member of the House of Representatives.....	77,300
Delegate to the House of Representatives.....	77,300
Resident Commissioner from Puerto Rico.....	77,300
President pro tempore of the Senate.....	87,300
Majority leader and minority leader of the Senate.....	87,300
Majority leader and minority leader of the House of Representatives.....	87,300
Speaker of the House of Representatives.....	100,700

Note. Notwithstanding the above rates, the maximum rates payable, as of the effective date of this schedule, are set forth below. (The effect of sec. 101(e) of Public Law 97-276 (the continuing resolution approved October 2, 1982) is to limit the use of the funds so appropriated so that they are not available to pay salaries in this schedule at rates which exceed the rates payable on September 30, 1982.)

Senator.....	\$ 60,662.50
Member of the House of Representatives.....	60,662.50
Delegate to the House of Representatives.....	60,662.50
Resident Commissioner from Puerto Rico.....	60,662.50
President pro tempore of the Senate.....	68,575.00
Majority leader and minority leader of the Senate.....	68,575.00
Majority leader and minority leader of the House of Representatives.....	68,575.00
Speaker of the House of Representatives.....	79,125.00

Schedule 8 - JUDICIAL SALARIES

Chief Justice of the United States.....	\$100,700 ^{1/}
Associate Justices of the Supreme Court.....	96,700 ^{1/}
Circuit Judges.....	77,300 ^{1/}
District Judges.....	73,100 ^{1/}
Judges of the Court of International Trade.....	73,100 ^{1/}
Judges of the United States Claims Court.....	65,200 ^{2/}
Referees in Bankruptcy (full-time) or Bankruptcy Judges.....	63,600 ^{2/}
Referees in Bankruptcy (part-time) (maximum rate).....	31,800 ^{2/}

^{1/} Notwithstanding sec. 205 of Public Law 94-82 (the Executive Salary Cost-of-Living Adjustment Act), salaries for Federal judges and Justices of the Supreme Court are limited to the salaries that were in effect on December 15, 1981, as set forth below. (The effect of sec. 140 of Public Law 97-92 (95 Stat. 1200) is to preclude increases in salaries for these positions unless such increases are specifically authorized by Act of Congress enacted after December 15, 1981.)

Chief Justice of the United States.....	\$ 96,800
Associate Justices of the Supreme Court.....	93,000
Circuit Judges.....	74,300
District Judges.....	70,300
Judges of the Court of International Trade.....	70,300

^{2/} Notwithstanding the above rates, the maximum rates payable for these positions, as of the effective date of this schedule, are set forth below. (The effect of sec. 101(e) of Public Law 97-276 (the continuing resolution approved October 2, 1982) is to limit the use of the funds so appropriated so that they are not available to pay salaries for these positions at rates which exceed the rates payable on September 30, 1982.)

Judges of the United States Claims Court.....	\$ 57,500
Referees in Bankruptcy (full-time) or Bankruptcy Judges.....	58,500
Referees in Bankruptcy (part-time) (maximum rate).....	30,600

Rules and Regulations

Federal Register

Vol. 47, No. 198

Wednesday, October 13, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1942

Population Limits for Community Facilities Loan Eligibility

CFR Correction

In the January 1, 1982 revision of Title 7 (Parts 1900 to 1944) of the Code of Federal Regulations at page 333, paragraphs (b)(1) through (b)(4) of § 1942.17 were inadvertently removed. The text should read as published at 44 FR 6359, Feb. 1, 1979, as amended at 44 FR 68808, Nov. 30, 1979, and set forth below.

§ 1942.17 Appendix A—Community facilities.

* * *

(b) * * *

(1) Types of applicants:

(i) *Public bodies* such as municipalities, counties, districts, authorities, or other political subdivisions of a State.

(ii) *Organizations operated on a not-for-profit basis* such as associations, cooperatives, and private corporations. Applicants organized under the general profit corporation laws may be eligible if they actually will be operated on a not-for-profit basis under their charter, bylaws, mortgage, or supplemental agreement provisions as may be required as a condition of loan approval.

(A) Essential community facility applicants other than utility type must have significant ties with the local rural community. Such ties are necessary to ensure to the greatest extent possible that a facility under private control will carry out a public purpose and continue to primarily serve the local residents. Such ties may be evidenced by such items as:

(1) Association with or controlled by a local public body or bodies, or broadly based ownership and controlled by members of the community;

(2) Substantial public funding through taxes, revenue bonds, or other local Government sources, and/or, substantial voluntary community funding such as would be obtained through a community-wide funding campaign.

(iii) *Indian tribes* on Federal and State reservations and other Federally recognized Indian tribes.

(2) *Credit elsewhere.* Applicants must certify in writing and FmHA shall determine and document that the applicant is unable to finance the proposed project from their own resources or through commercial credit at reasonable rates and terms.

(3) *Legal authority and responsibility.* Each applicant must have or will obtain the legal authority necessary for constructing, operating, and maintaining the proposed facility or service and for obtaining, giving security for, and repaying the proposed loan. The applicant shall be responsible for operating, maintaining, and managing the facility, and providing for its continued availability and use at reasonable rates and terms. This responsibility shall be exercised by the applicant even though the facility may be operated, maintained, or managed by a third party under contract, management agreement, or written lease. Leases may be used when this is the only feasible way to provide the service and is the customary practice. Management agreements should provide for at least those items listed in Guide 24.

(4) *Refinancing FmHA debt.* FmHA shall require an agreement that if at any time it shall appear to the Government that the borrower is able to refinance the amount of the indebtedness then outstanding, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the borrower will, upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government and

will take all such actions as may be required in connection with such loan.

* * *

BILLING CODE: 1505-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103, 212, 214, and 242

Miscellaneous Technical Amendments

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule makes technical corrections to citations in various paragraphs to conform them to changes in the locations of the cited materials.

EFFECTIVE DATE: October 13, 1982.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieskiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone (202) 633-3048.

For specific information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone (202) 633-3946.

SUPPLEMENTARY INFORMATION: This rule corrects the citations in various sections of 8 CFR which refer to "Certification of Documents". Certification of documents, formerly contained in 8 CFR 204.2(f), was previously revised and redesignated as 8 CFR 204.2(h). This rule amends the citations to this material in 8 CFR 103.2(b)(1), 212.8(b)(4), 214.2(h)(5), 214.2(k), and 214.2(1)(2) to reflect this redesignation.

Executive Order No. 12356 (47 FR 14874), effective on April 2, 1982, expressly revoked Executive Order No. 12065 (43 FR 28949; July 3, 1978). This rule amends the citations to this order in 8 CFR 242.17(a) and 242.17(c) to reflect this change.

Finally, a citation to "Executive Order No. 11652 (37 FR 5209; March 10, 1972)" in 8 CFR 103.2(h)(2), which was previously revoked, is amended to read "Executive Order No. 12356 (47 FR 14874; April 6, 1982)".

Compliance with 5 U.S.C. 553 as to the notice of proposed rulemaking and

delayed effective date is unnecessary because the amendments in this order are merely technical in nature to correct legal citations.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant impact on a substantial number of small entities. This is not a rule as defined in section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Parts 103, 212, 214, and 242

Administrative practice and procedure.

Accordingly, Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS, AVAILABILITY OF SERVICE RECORDS

§ 103.2 [Amended]

1. Section 103.2 is amended as follows: Paragraph (b)(1) is amended to change the citation "204.2(f)" to read "204.2(h)".

Paragraph (b)(2) is amended to change the citation "Executive Order No. 11652 (37 FR 5209; March 10, 1972)" to read "Executive Order No. 12356 (47 FR 14874; April 6, 1982)."

(Secs. 103 of the Immigration and Nationality Act; 8 U.S.C. 1103; E.O. 12356)

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.8 [Amended]

2. In § 212.8, paragraph (b)(4) is amended to change the citation "204.2(f)" to read "204.2(h)".

(Secs. 103, 212 of the Immigration and Nationality Act; 8 U.S.C. 1103, 1182)

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

3. In § 214.2, paragraph (h)(5), (k) and (1)(2) are amended to change the citations "204.2(f)" to read "204.2(h)".

(Secs. 103, 214 of the Immigration and Nationality Act; 8 U.S.C. 1103, 1184)

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.17 [Amended]

4. In § 242.17, paragraphs (a) and (c) are amended to change the citation "Executive Order No. 12065 (43 FR 28949; July 3, 1978)" to read "Executive Order No. 12356 (47 FR 14874; April 6, 1982)".

(Secs. 103, 214, 242 of the Immigration and Nationality Act; 8 U.S.C. 1103, 1184, 1252; E.O. 12356)

Dated: October 6, 1982.

Perry A. Rivkind,

Associate Commissioner, Management, Immigration and Naturalization Service.

[FR Doc. 82-28115 Filed 10-12-82; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 307, 350, 351, 354, 355, 362, and 381

[Docket No. 82-017F]

Rate Increase for Inspection Services

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The rates for overtime inspection, identification, certification, or laboratory services are changed to reflect increased costs associated with these programs in the upcoming fiscal year.

EFFECTIVE DATE: October 17, 1982.

FOR FURTHER INFORMATION CONTACT:

June P. Blair, Director, Finance Division, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 382-0072.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601) because the fees provided for in this document are not new but merely reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services.

Background

Each fiscal year, the fees for certain services rendered to operators of official meat and poultry establishments, importers, or exporters by the Food Safety and Inspection Service (FSIS) are reviewed and a cost analysis is performed to determine if such fees are adequate to recover the cost of providing the services. Specifically, the analysis relates to fees charged in connection with overtime and holiday inspection, identification, certification, or laboratory services rendered to operators of official meat and poultry establishments, importers, or exporters.

The fees to be charged for these services are determined by an analysis of data on the current cost of these services coupled with the increase in that cost due to the increase for salaries of Federal employees allocated by Congress under the Federal Pay Comparability Act of 1970.

Based on the Department's analysis of the costs incurred in providing these services, a proposal was published in the *Federal Register* on August 30, 1982 (47 FR 38133) to increase the fees related to such services to reflect increased costs associated therewith in the upcoming fiscal year.

The comments received on the proposals provide generally that the Department should not increase fees for the affected inspection services at this time in light of current economic conditions affecting official establishments using these services. In that connection, it is noted that the ordinary costs of providing inspection services under the requirements of the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) are borne by the Federal Government. However, the Department is required by the FMIA (21 U.S.C. 659) and the PPIA (21 U.S.C. 468) to recover the costs of overtime and holiday inspection services from those establishments which voluntarily elect to utilize such inspection services. The rates provided for in this document reflect only a minimal increase in the costs currently borne by those entities electing to utilize those and certain other voluntary inspection services. It should also be noted that the charges incurred by the plant for overtime do not equal the wages paid the individual inspector. The charges also reflect all the benefits, travel, administrative support and other costs incurred by the Department for this program.

One of the commenters, a trade association, also contended that the burdens of the rate increase fall

disproportionately on small and medium size firms that operate single shifts. A comparison was made between a large firm with two full shifts which can receive two full shifts of inspectors at Government cost, and a small firm that might wish to extend its work day, for economic reasons, to one and a half shifts. The commenter asserted that the small firm may be required to reimburse the government at overtime rates for inspection during the half shift. The commenter suggested the Department "evaluate carefully those activities that can be performed outside the regular 8 hours so that small firms may 'stretch' this day to the fullest extent without incurring overtime charges."

This comment pertains to the scheduling of plant and inspector operations. It is outside the scope of the proposal. The proposal concerns only the rate of reimbursement for overtime operations, not the circumstances under which it will be charged. Nonetheless, it should be noted that the Department is continuously looking for ways to reduce burdens on small plants to the extent provided by the statutes. In keeping with the spirit of the Regulatory Flexibility Act, the Department welcomes suggestions at any time on how this goal may be accomplished.

Currently, § 307.5 (9 CFR 307.5) of the meat inspection regulations provides that FSIS shall be reimbursed for the cost of meat inspection on holidays or on an overtime basis at the rate of \$18.12 per inspector hour. Similarly, § 381.38 (9 CFR 381.38) of the poultry products inspection regulations provides that FSIS will be reimbursed at the rate of \$18.12 per inspector hour for overtime and holiday poultry inspection services. These fees are increased to \$19.40 per inspector hour.

FSIS also provides a range of voluntary inspection and certification services, the costs of which are totally recoverable by the Government. These services, provided under Subchapter B—Voluntary Inspection and Certification Service of Meat and Poultry, are provided under various statutes to assist in the orderly marketing of various animal products and byproducts not covered under the Federal Meat Inspection Act or the Poultry Products Inspection Act.

The basic hourly rate for providing such certification and inspection services is currently \$14.64 per inspector hour (§§ 350.7, 351.8, 351.9, 354.101, 355.12, and 362.5). The overtime and holiday hourly rate is currently \$18.12. The rate for laboratory services is currently \$27.28 per hour. These hourly rates for these services are increased to \$16.68, \$19.40, and \$31.00, respectively.

List of Subjects

9 CFR Part 307

Meat inspection, Reimbursable services.

9 CFR Part 350

Meat inspection, Reimbursable services, Voluntary inspection, Certification service.

9 CFR Part 351

Meat inspection, Certification service, Reimbursable services.

9 CFR Part 354

Meat inspection, Reimbursable services.

9 CFR Part 355

Meat inspection, Reimbursable services.

9 CFR Part 362

Poultry products inspection, Reimbursable services.

9 CFR Part 381

Poultry products inspection, Reimbursable services.

The amendments to the Federal meat and poultry products inspection regulations are as follows:

PART 307 [AMENDED]

1. The authority citation for Part 307 reads as follows:

Authority: (41 Stat. 241, 7 U.S.C. 394; 34 Stat. 1264, as amended; 21 U.S.C. 621; 62 Stat. 334; 21 U.S.C. 695, 7 CFR 2.15(a), 2.92).

2. Section 307.5(a) is revised to read as follows:

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service \$19.40 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

PART 350 [AMENDED]

3. The authority citation for Part 350 reads as follows:

Authority: (41 Stat. 241, 7 U.S.C. 394; 60 Stat. 1087, as amended, 7 U.S.C. 1622; 60 Stat. 1090, as amended, 7 U.S.C. 1624; 34 Stat. 1264, as amended, 21 U.S.C. 621; 62 Stat. 334, 21 U.S.C. 695; 7 CFR 2.15(a), 2.92).

4. Section 350.7(c) is revised to read as follows:

§ 350.7 Fees and charges.

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of \$16.68 per hour for base time, \$19.40 per hour for overtime including Saturdays, Sundays, and holidays, and \$31.00 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service. Where appropriate, this time will include but will not be limited to the time required for travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

PART 351 [AMENDED]

5. The authority citation for Part 351 reads as follows:

Authority: (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92).

6. Section 351.8 is revised to read as follows:

§ 351.8 Charges for surveys for plants.

Applicants for the certification service shall pay the Department for salary costs at the rate of \$16.68 per hour for base time, \$19.40 per hour for overtime, travel and per diem allowances at rates currently allowed by the Government Travel Regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

7. Section 351.9(a) is revised to read as follows:

§ 351.9 Charges for examinations.

(a) The fees to be charged and collected by the Administrator for examination shall be \$16.68 per hour for base time and \$19.40 per hour for overtime including Saturdays, Sundays, and holidays, as provided for in § 351.14 and \$31.00 per hour for any laboratory service required to determine the eligibility of any technical animal fat for certification under the regulations in this part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

PART 354 [AMENDED]

8. The authority citation for Part 354 reads as follows:

Authority: (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92).

9. Section 354.101 (b) and (c) are revised to read as follows:

§ 354.101 On a fee basis.

(b) The charges for inspection service will be based on the time required to perform such services. The hourly rate shall be \$16.68 for base time and \$19.40 for overtime or holiday work.

(c) Charges for any laboratory analysis or laboratory examination of rabbits under this part related to the inspection service shall be \$31.00 per hour.

PART 355 [AMENDED]

10. The authority citation for Part 355 reads as follows:

Authority: (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92).

11. Section 355.12 is revised to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be \$16.68 per hour for base time, \$19.40 per hour for overtime, including Saturdays, Sundays, and holidays, and \$31.00 per hour for laboratory services to reimburse the Service for the cost of the inspection service furnished.

PART 362 [AMENDED]

12. The authority citation for Part 362 reads as follows:

Authority: (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92).

13. Section 362.5(c) is revised to read as follows:

§ 362.5 Fees and charges.

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of \$16.68 per hour for base time, \$19.40 per hour for overtime including Saturdays, Sundays, and holidays, and \$31.00 per hour for laboratory service to cover the costs of the service and shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

PART 381 [AMENDED]

14. The authority citation for Part 381 reads as follows:

Authority: (71 Stat. 447, 448, as amended, 21 U.S.C. 463, 468; 7 CFR 2.15(a), 2.92).

15. Section 381.38(a) is revised to read as follows:

§ 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service \$19.40 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

Done at Washington, DC, on October 6, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-28114 Filed 10-12-82; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R-0424]

Regulation D; Reserve Requirements of Depository Institutions; Transaction Accounts

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Temporary rule; request for public comment.

SUMMARY: The Board of Governors is adopting a temporary amendment to Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) to define as transaction accounts, time deposits issued in connection with an agreement that permits the depositor to obtain credit, directly or indirectly, through the drawing of a check, draft or similar device on the issuing institution that can be used for the purpose of making payments or transfers to third persons or others. Accordingly, these deposits are subject to transaction account reserve requirements. The Board also requests public comment on the technical aspects of this rule prior to its permanent adoption. The Board also determined that in making a loan to a depositor upon the security of his or her time deposit, a member bank must charge 1 per cent above the annual

effective rate being paid on the time deposit.

EFFECTIVE DATE: October 5, 1982.

Comments must be received by December 3, 1982.

ADDRESS: Comments, which should refer to Docket No. R-0424, should be addressed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551, or should be delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m. except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625), Paul S. Pilecki, Senior Attorney (202/452-3281), or Beverly A. Belcamino, Legal Assistant (202/452-3623), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 ("MCA") (Title I of Pub. L. 96-221; 94 Stat. 132) defines "transaction account" as a deposit or account on which the depositor or account holder is permitted to make payments or transfers to third persons or others (12 U.S.C. 461 (b)(1)(C)). The Board is empowered to determine that deposits or accounts are transaction accounts for reserve requirement purposes if such accounts may be used to provide funds directly or indirectly for the purpose of making payments or transfers to third persons or others (12 U.S.C. 461 (b)). The Board's Regulation D currently defines "transaction account" as "a deposit or account on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone transfers, or other similar device for the purpose of making payments or transfers to third persons or others." (12 CFR 204.2(e)).

Several depository institutions have recently begun issuing complex time deposit arrangements involving a line of credit that may be accessed by checks drawn on the issuing institution that are payable to third parties. These arrangements have the effect of allowing depositors to earn market rates of interest on funds that may be used for third party payments. The Board believes that these circuitous arrangements both circumvent transaction account reserve requirements under Regulation D since they convert longer term time deposits

into deposits that properly should be regarded as transaction accounts, and evade the intent of the interest rate limitations established by the Depository Institutions Deregulation Committee ("DIDC") as part of the phaseout of interest rate ceilings mandated by the Depository Institutions Deregulation Act of 1980 ("DIDA") (Title II of Pub. L. 96-221; 94 Stat. 132). The Board believes that it is inappropriate for depository institutions to attempt to circumvent Regulation D requirements with arrangements such as those described. Fairness to all depository institutions and orderly administration of the interest rate ceiling phaseout require the Board to take this regulatory action. Consequently, in order to carry out the purpose of the MCA and DIDA and to maintain the distinction between transaction accounts and time deposits, the Board has determined to regard the arrangements described above as transaction accounts and subject them to Regulation D reserve requirements. Currently, all time deposits, as defined in § 204.2(c)(1) of Regulation D (12 CFR 204.2 (c)(1)) are subject to no basic reserve requirements if they are personal time deposits, to a 3 per cent reserve requirement if they are nonpersonal time deposits with a maturity of less than 3½ years, and to a zero per cent reserve requirement if they are nonpersonal time deposits with a maturity of 3½ years or more.

In this connection, the Board notes that the legislation that was recently passed by Congress requiring the DIDC to authorize depository institutions to offer an account that is directly competitive with money market mutual funds should assist banks and thrifts in achieving their objectives in a manner consistent with applicable law and regulation.

Transaction account reserve requirements will be applicable to time deposits issued in connection with an arrangement that permits the depositor to obtain credit by check, draft, nonnegotiable order or instruction or similar device that is used to make payments or transfers to third persons or others, or to a deposit account of the depositor. The Board has also determined that it is appropriate to grandfather the balances in depository institutions for those time deposits subject to arrangements established before October 5, 1982. However, if the deposit maintained in connection with the line of credit is extended, or matures and is renewed, the funds will become subject to transaction account reserve requirements. This amendment does not affect the ability of a depositor to use

his or her time deposit as collateral for a loan transaction that does not involve the use of a credit line on which checks or similar instruments may be drawn.

The Board is requesting comment until December 3, 1982, on whether any additional arrangements should be covered by this amendment and whether any arrangements should be eliminated from the scope of the amendment before it is adopted in final form.

Some of these arrangements are structured using a loan secured by a time deposit. Section 217.4(f) of Regulation Q (12 CFR 217.4(f)) provides that a member bank may make a loan to a depositor upon the security of his time deposit as long as the interest rate on the loan is at least one per cent above the rate being paid on the time deposit. However, these arrangements may provide for interest on the loan to be charged at 1 per cent over the annual *simple* rate being paid on the deposit when the *effective* rate on the deposit is higher due to the effects of compounding. For example, a 12 per cent annual simple rate being paid on a deposit yields an annual effective rate of 12.935 per cent with daily compounding on a 365/360 basis. In order to preserve the effectiveness of § 217.4 of Regulation Q, the Board has determined that the interest rate charged on a loan secured by a time deposit must be at least 1 per cent above the *effective* rate paid on the time deposit, taking into account the effects of compounding. The Board has been advised that a similar position has been adopted by the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board.

The impact of this proposal on small entities has been considered in accordance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 604; Pub. L. 96-354). The Board has deferred deposit reporting and reserve requirements for small nonmember banks and thrift institutions in view of pending legislation that would give small depository institutions a permanent exemption from reserve requirements. Finally, no new recordkeeping or reporting requirements will be imposed as a result of the proposal.

To aid in consideration of this matter by the Board, interested persons are invited to submit relevant data, views, comment or argument. All material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received by December 3, 1982. All material submitted should include the Docket No. R-0424. Such

material will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

List of Subjects in 12 CFR Part 204

Banks, banking; Currency; Federal Reserve System; Penalties; Reporting requirements.

Pursuant to its authority under section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)), effective October 5, 1982, the Board amends Regulation D (12 CFR Part 204) by amending paragraph (e) of § 204.2 by revising subparagraphs (4), (5) and (6) and adding subparagraph (7) to read as follows:

PART 204 [AMENDED]

§ 204.2 Definitions.

* * * * *

(e) * * *

(4) deposits or accounts in which payments may be made to third parties by means of an automated teller machine, remote service unit or other electronic device;

(5) deposits or accounts in which payments may be made to third parties by means of a debit card;

(6) deposits or accounts under the terms of which, or which by practice of the depository institution, the depositor is permitted or authorized to make more than three withdrawals per month for purposes of transferring funds to another account or for making a payment to a third party by means of preauthorized or telephone agreement, order or instruction. An account that permits or authorizes more than three such withdrawals in a calendar month, or statement cycle (or similar period) of at least four weeks, is a "transaction account" whether or not more than three such withdrawals actually are made during such period. A "preauthorized transfer" includes any arrangements by the depository institution to pay a third party from the account of a depositor upon written or oral instruction (including an order received through an automated clearing house (ACH)), or any arrangement by a depository institution to pay a third party from the account of the depositor at a predetermined time or on a fixed schedule. An account is not a "transaction account" by virtue of an arrangement that permits withdrawals for the purpose of repaying loans and associated expenses at the same depository institution (as originator or servicer); and

(7) deposits or accounts maintained in connection with an arrangement that

permits the depositor to obtain credit directly or indirectly through the drawing of a negotiable or nonnegotiable check, draft, order or instruction or other similar device (including telephone or electronic order or instruction) on the issuing institution that can be used for the purpose of making payments or transfers to third persons or others, or to a deposit account of the depositor. Deposits that were established before October 5, 1982, subject to arrangements will not be regarded as transaction accounts until the deposit issued in connection with the line of credit is extended, or matures and is renewed.

By order of the Board of Governors,
October 6, 1982.

William W. Wiles,
Secretary of the Board.

[FR Doc. 82-28029 Filed 10-12-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3095]

Thomas L. Baker, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.
ACTION: Consent Order.

SUMMARY: In settlement of alleged violation of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires two San Diego, Calif. corporations to cease, among other things, misrepresenting or failing to disclose material facts regarding the purchase of gemstones as investments, or their liquidity. The respondents are prohibited from misrepresenting the source of graphs or charts used in promotional literature; failing to disclose the limitations associated with the certificates issued by the firms to accompany their gemstones; or representing that their price increases reflect general market increases. Respondents are required to disclose both orally and in writing, before the execution of any contract for the sale of gemstones, among other things, that gemstones are not as easy to sell as other investments; that there are risks involved in the purchase of colored gemstones; and that diamonds .04 to .60 carats may be difficult to resell. Further, respondents are required to comply with the FTC's Mail Order Merchandise Rule and ensure that all personnel receive a synopsis of the order. Additionally,

American Diamond Company is exempted from making these disclosures only when the gemstones are sold as jewelry, but must disclose in writing on the sales agreement that jewelry is not sold for investment purposes.

DATES: Complaint and order issued Sept. 28, 1982.¹

FOR FURTHER INFORMATION CONTACT: FTC/PS, Curtis Yee, Washington, D.C. 20580. (202) 724-1037.

SUPPLEMENTARY INFORMATION: On Wednesday, December 9, 1981, there was published in the *Federal Register*, 46 FR 60211, a proposed consent agreement with analysis in the Matter of Thomas L. Baker, Inc., a corporation, also trading and doing business as American Diamond Company, American Diamond Company, a corporation, and Thomas L. Baker, individually and as an officer of said corporations, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered separate orders to cease and desist, with the modified order as to respondents Thomas L. Baker, Inc. and American Diamond Company set forth below, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13 are as follows: Subpart—Advertising Falsely or Misleadingly: Section 13.15 Business status, advantages or connections; § 13.15-20 Business methods and policies; § 13.15-30 Connections or arrangements with others; § 13.20 Comparative data or merits; § 13.42 Connection of others with goods; § 13.60 Earnings and profits; § 13.160 Promotional sales plans; § 13.175 Quality of product or service; § 13.195 Safety; § 13.195-30 Investment; § 13.205 Scientific or other relevant facts; § 13.285 Value. Subpart—Corrective Actions and/or Requirements; § 13.533 Corrective actions and/or requirements § 13.533-20 Disclosures; § 13.533-37 Formal regulatory and/or statutory requirements; § 13.533-45 Maintain records. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1370 Business methods, policies and practices; § 13.1395 Connections and

arrangements with others; § 13.1533 Purchasing methods.—Goods; § 13.1575 Comparative data or merits; § 13.1615 Earnings and profits; § 13.1623 Formal regulatory and statutory requirements; § 13.1715 Quality; § 13.1740 Scientific or other relevant facts; § 13.1775 Value.—Promotional Sales Plans; § 13.1830 Promotional sales plans.—Services: § 13.1835 Cost. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1862 Prices; § 13.1865 Qualities or properties; § 13.1886 Quality, grade or type; § 13.1889 Risk of loss; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.1930 "Degrees", "certificates", etc.; § 13.1945 Fictitious bids or price quotations; § 13.2063 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Gemstones.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the matter of Thomas L. Baker, Inc. a corporation, also trading and doing business as American Diamond Company and American Diamond Company, a corporation; decision and order.

The Federal Trade Commission has initiated an investigation of certain acts and practices of the respondents Thomas L. Baker, Inc. and American Diamond Company (hereinafter referred to as respondents), and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act; and

The respondents, their attorneys, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Commission having considered the matter and having determined that it

¹ Copies of the Complaint filed with the original document.

had reason to believe that the respondents have violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, and having duly considered any comments filed thereafter by interested persons pursuant to § 2.34 of its Rules; and

The respondents having filed a petition for reorganization under Chapter 11 of the Bankruptcy Code (11 U.S.C. 362) on October 23, 1981; and

The respondents and complaint counsel having thereafter submitted to the Commission a revised Agreement Containing Consent Order; and

The Commission having considered and accepted the revised Agreement; and

Now in further conformity with the procedure prescribed in § 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent Thomas L. Baker, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 4455 Morena Boulevard, San Diego, California 92117.

Respondent American Diamond Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 4455 Morena Boulevard, San Diego, California 92117.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

Order

1

It is ordered that respondent Thomas L. Baker, Inc., a corporation, respondent American Diamond Company, a corporation, their successors and assigns, and their officers, and respondents' agents, representatives, brokers, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the purchasing, advertising, offering for sale, sale or distribution of any diamond, ruby, or any other precious or semi-precious stone, (hereinafter gemstones or other merchandise in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) A diamond or ruby or other gemstone is an investment which can be easily or quickly sold by an individual investor for a price substantially the same as what an individual would have to pay to purchase such gemstone from respondent(s) or another commercial source.

(b) A person can sell a diamond or ruby or other gemstone through respondent(s) as easily as he or she could sell a stock or bond through a stock broker.

(c) There is at any time an established, generally recognized market price for a diamond or other gemstone at which an individual could easily sell or exchange his or her gemstone(s).

2. Misrepresenting in any manner, directly or by implication, the ease with which an individual can resell a diamond, ruby or other gemstone or the price an individual is likely to receive upon such resale.

3. Failing to disclose, clearly and conspicuously, in writing and orally, prior to the execution of any contract for sale of any gemstone(s), the following information:

(a) Gemstones are not as easy to sell as many other investments. If you seek a quick sale of a gemstone you will in many instances only be able to get a price substantially lower than the current selling price of the gemstone.

(b) If you resell your gemstones through [name company] you will be required to pay liquidation/consignment fees of [insert fees].

(c) If you try to resell your gemstones through [name company] you may in some instances have to wait a substantial period of time before the gemstones are sold. In addition, a sale on consignment is not completed until thirty (30) days after the gemstones have been delivered to the new purchaser. This allows the new purchaser the right to inspect and return the gemstones.

(d) There are substantial differences in the past appreciation of gemstones of different weight, color, cut and clarity. Also, the fact that particular gemstones may have appreciated in the past is no guarantee that they will appreciate in the future.

Provided, however, that if respondents do not offer a resale service for gemstones the following disclosures shall be made in lieu of those required by Paragraphs 3(b) and (c) of this order:

(b) If you resell your gemstone through a company handling such resales, you may be required to pay substantial liquidation/consignment fees.

(c) If you try to resell your gemstones through a company handling such resales, you may in some instances have to wait a substantial period of time before the gemstones are sold.

4. Failing to disclose, clearly and conspicuously, in writing and orally, prior to the execution of any contract for sale of any diamond(s), ranging in size from .04 to .60 carats, the following information:

(a) [Name company] is the principal place for you to resell these diamonds. Resale for profit to other outlets such as retail jewelers may be difficult. Many jewelers will not buy diamonds from an individual. Those that do generally pay substantially less than what they pay their customary suppliers.

(b) Resale through outlets other than [name company] may be made more difficult by the lack of certification by a recognized independent gemological laboratory.

(c) The grading on [name company] certificates accompanying these diamonds is for identification purposes only and not for purposes of valuation. More specific grading may be necessary to enable a purchaser to resell through anyone other than [name company].

Provided, however, that if respondents do not offer a resale service for gemstones the following disclosures shall be made in lieu of these required by Paragraphs 4(a), 4(b), and 4(c) of this order:

(a) The principal place for you to resell these diamonds is to outlets such as retail jewelers. Resale for profit to outlets such as retail jewelers may be difficult. Many jewelers will not buy diamonds from an individual. Those that do generally pay substantially less than what they pay their customary suppliers.

(b) Resale of these diamonds may be made more difficult by the lack of certification by a recognized independent gemological laboratory.

(c) The grading on [name company] certificates accompanying these diamonds is for identification purposes only and not for purposes of valuation. More specific grading may be necessary to enable a purchaser to resell these diamonds.

5. Misrepresenting in any manner, directly or by implication, the past appreciation in value of any diamond(s) or other gemstone(s).

6. Making any representation, directly or by implication concerning the past appreciation of any diamond(s), or other gemstone(s) without:

(a) Disclosing, clearly and conspicuously, the type of diamond or other gemstone, in terms of size, color, cut, clarity, or other relevant

characteristic, to which the past appreciation representation relates; and
 (b) Having a reasonable basis upon which to make the claim.

7. Misrepresenting in any manner, directly or by implication, the source of any graph or chart or of any information depicted in any promotional material or other presentation relating to the sale of any gemstone(s).

8. Making any representation, directly or by implication, in any advertising or sales promotional material or orally during the course of any sales presentation, concerning the future appreciation of any diamond(s) or other gemstone(s) unless at the time of such representation respondents possess and rely upon a reasonable basis for the representation.

9. Failing to maintain accurate records, which may be inspected by Commission staff members upon reasonable notice, which:

(a) Consist of documentation in support of any representation concerning the past or future appreciation of any diamond or other gemstone included in any advertising or sales promotional material disseminated by respondents, insofar as the text of such representation is prepared, or is authorized and approved, by any person who is an officer or employee of respondents or by any advertising agency engaged for such purpose by respondents; and

(b) Provide the basis upon which respondents relied as of the time the representation was made.

10. Misrepresenting in any manner, directly or by implication, that respondents' own price increases reflect general market price increases.

11. Representing, directly or by implication, that:

(a) Respondents are "sight" buyers of diamonds from DeBeers Central Selling Organization.

(b) Respondents are wholesale rough brokers of diamonds or other gemstones.

(c) Respondents maintain an inventory of the gemstones they sell unless at the time such representation was made respondents actually had in their possession or on consignment the exact gemstones about which the representation was made.

12. Misrepresenting in any manner, directly or by implication, the business activities engaged in by respondents, including how respondents' pricing compares to price levels at various positions on the gemstone distribution chain such as cutter or wholesale levels.

13. Failing to disclose, clearly and conspicuously, in writing and orally, prior to the execution of any contract for

sale of any colored gemstone, the following information:

(a) If your gemstone is re-certified, it may receive a different grade. This may affect its value. There are two reasons for this. First, colored gemstone grading is, in part, subjective. Second, procedures used for grading colored gemstones may change.

(b) A colored gemstone which receives a higher grade on a certificate is not necessarily more valuable than one receiving a lower grade. Dealers in colored gemstones may differ significantly in their assessment of the value of particular gemstones and will often rely on personal inspection in setting a value for a gemstone instead of relying only on a certificate.

(c) The above characteristics of colored gemstone grading and valuation are a risk you should consider before investing in colored gemstones.

14. Failing to comply with Federal Trade Commission Rule concerning Mail Order Merchandise, 16 CFR 435.

15. Failing to answer and to answer promptly inquiries by or on behalf of any customer regarding any purchase made from respondents.

16. Failing to deliver a gemstone with the specific characteristics ordered unless a customer has agreed in writing to a substitution.

17. Failing to deliver the proceeds of a gemstone sale which the respondents have made on behalf of a previous customer or other party to such customer or party within 10 working days of completion of sale.

II

It is further ordered, that the oral affirmative disclosures required by Paragraphs 3, 4 and 13 of this order need not be made by respondents if gemstones are sold for jewelry and in the sales agreement so identified and the following disclosure is made on the front page of the sales agreement covering each such sale:

Items designated as jewelry grade are not sold by [name of company] for investment purposes and no representation is made that such items are investment quality or suitable for investment.

III

It is further ordered, that the written affirmative disclosures required by Paragraphs 3, 4, and 13 of this order shall be made in the manner described below:

Risk Factors You Should Consider if you are Purchasing Gemstones as an Investment

1. Gemstones are not as easy to sell as many other investments. If you seek a quick sale of a gemstone you will in many instances only be able to get a price substantially lower than the current selling price of the gemstone.

2. There are substantial differences in the past appreciation of gemstones of different weight, color, cut and clarity. Also, the fact that particular gemstones may have appreciated in the past is no guarantee that they will appreciate in the future.

[If respondents offer a resale service for gemstones:]

3. If you resell gemstones through [name company] you will be required to pay liquidation/consignment fees of [insert fees].

4. If you try to resell your gemstones through [name company] you may in some instances have to wait a substantial period of time before the gemstones are sold. In addition, a sale on consignment is not completed until thirty (30) days after the gemstones have been delivered to the new purchaser. This allows the new purchaser the right to inspect and return the gemstones.

[If respondents do not offer a resale service for gemstones:]

3. If you resell your gemstones through a company handling such resales, you may be required to pay substantial liquidation/consignment fees.

4. If you try to resell your gemstones through a company handling such resales, you may in some instances have to wait a substantial period of time before the gemstones are sold.

For Purchasers of Diamonds .04-.60 Carats in Size

[If respondents offer a resale service for gemstones:]

5. [Name company] is the principal place for you to resell these diamonds. Resale for profit to other outlets such as retail jewelers may be difficult. Many jewelers will not buy diamonds from an individual. Those that do generally pay substantially less than what they pay their customary suppliers.

6. Resale through outlets other than [name company] may be made more difficult by the lack of certification by a recognized independent gemological laboratory.

7. The grading on [name company] certificates accompanying these diamonds is for identification purposes only and not for purposes of valuation. More specific grading may be necessary

to enable a purchaser to resell through anyone other than [name company].

[If respondents do not offer a resale service for gemstones:]

5. The principal place for you to resell these diamonds is to outlets such as retail jewelers. Resale for profit to outlets such as retail jewelers may be difficult. Many jewelers will not buy diamonds from an individual. Those that do generally pay substantially less than what they pay their customary suppliers.

6. Resale of these diamonds may be made more difficult by the lack of certification by a recognized independent gemological laboratory.

7. The grading on [name company] certificates accompanying these diamonds is for identification purposes only and not for purposes of valuation. More specific grading may be necessary to enable a purchaser to resell these diamonds.

For Purchasers of Colored Gemstones

8. If your gemstone is re-certified, it may receive a different grade. This may affect its value. There are two reasons for this. First, colored gemstone grading is, in part, subjective. Second, procedures used for grading colored gemstones may change.

9. A colored gemstone which receives a higher grade on a certificate is not necessarily more valuable than one receiving a lower grade. Dealers in colored gemstones may differ significantly in their assessment of the value of particular gemstones and will often rely on personal inspection in setting a value for a gemstone instead of relying only on a certificate.

10. The above characteristics of colored gemstone grading and valuation are a risk you should consider before investing in colored gemstones.

This notice shall appear in all written advertising and promotional material used to sell any gemstone(s) except newspaper and magazine advertisements and one-page promotional material whose sole purpose is to solicit a prospective customer to request further information. The title "Risk Factors You Should Consider if You Are Purchasing Gemstones as an Investment" shall be printed in no smaller than ten (10) point bold face type. The remainder of the notice shall be printed in type no smaller than the smallest type otherwise in the advertising or no smaller than eight (8) point type, whichever is larger. The capitalization, punctuation and wording of the text and headings must be exactly as shown above.

This notice must also appear on the front page of all sales agreements or on a separate sheet of paper given to

customers before they sign the sales agreement. The separate sheet may not contain any other writing. The notice required in this subparagraph shall be in the form set forth as follows:

1. At the bottom of the notice shall be the language "I have read this notice and understand what it says" and a place for the buyer's signature.

2. The text of the notice must be printed in no smaller than 9-point type and the heading "Risk Factors You Should Consider if You Are Purchasing Gemstones as an Investment" must be 2 type points larger and boldface. The capitalization, punctuation and wording of the text and headings must be exactly as shown above.

3. The whole notice, from the word "Risk" to the words "what it says," must be printed in gothic, astron, avant garde, eras, frutiger, gill sans, grotesque, heldustrie, helvetica, kabel, antique optima, univers, vogue, americana, american typewriter, newtext, or quorum type in blue, blue-black, or black ink on white or buff background. If the notice is printed on the front page of a sales agreement on which other information is emphasized by the use of colored type, the notice must then be printed in the most conspicuous colored type used.

4. The whole notice from the word "RISK" to the space for the customer's signature, must be boxed with lines 2 points thick if the notice appears on the front page of a sales agreement.

The disclosures in Paragraph 4 only have to be made if the promotional material or contract relates to the sale of diamonds of .04 carats to .60 carats in size. The disclosures in Paragraph 13 only have to be made if the promotional material or contract relates to the sale of colored gemstones.

It is further ordered, that each customer be given at the time of sale a fully filled-in and legible copy of the sales agreement. Respondents shall keep a fully filled-in and legible copy of each sales agreement for three years after signing.

IV

It is further ordered, that respondents herein shall notify the Commission at least 30 days prior to any change in the structure of any of the corporate respondents involving dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiary, or any other change in the respective corporation which may affect compliance obligations arising out of this order.

V

It is further ordered, that respondents distribute a synopsis of this order to all operating divisions of said corporations, and to present or future personnel, agents or representatives having sales, advertising, or policy responsibilities with respect to the subject matter of this order and that respondents secure from each such person a signed statement acknowledging receipt of said order.

VI

It is further ordered, that respondents herein shall, within ninety (90) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issue Date: September 28, 1982.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 82-28117 Filed 10-12-82; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket C-3096]

Thomas L. Baker; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a San Diego, Calif. corporate officer to cease, among other things, misrepresenting or failing to disclose material facts regarding the purchase of gemstones as investments, or their liquidity. The respondent is prohibited from misrepresenting the source of graphs or charts used in promotional literature; failing to disclose the limitations associated with the certificates issued by the company to accompany their gemstones; or representing that their price increases reflect general market increases. Respondent is required to disclose both orally and in writing, before the execution of any contract for the sale of gemstones, among other things, that gemstones are not as easy to sell as other investments; that there are risks involved in the purchase of colored gemstones; and that diamonds .04 to .60 carats may be difficult to resell. Further, respondent is required to comply with the FTC's Mail Order Merchandise Rule

and ensure that all personnel receive a synopsis of the order.

DATES: Complaint and order issued Sept. 28, 1982.¹

FOR FURTHER INFORMATION CONTACT: FTC/PS, Curtis Yee, Washington, D.C. 20580, (202) 724-1037.

SUPPLEMENTARY INFORMATION: On Wednesday, December 9, 1981, there was published in the *Federal Register*, 46 FR 60211, a proposed consent agreement with analysis in the Matter of Thomas L. Baker, Inc., a corporation, also trading and doing business as American Diamond Company, a corporation, and Thomas L. Baker, individually and as an officer of said corporations, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist as to Thomas L. Baker, as set forth in the proposed consent agreement, with minor modifications reflecting the application to a sole respondent, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: Section 13.15 Business status, advantages or connections; 13.15–20 Business methods and policies; 13.15–30 Connections or arrangements with others; § 13.20 Comparative data or merits; § 13.42 Connection of others with goods; § 13.60 Earnings and profits; § 13.160 Promotional sales plans; § 13.175 Quality of product or service; § 13.195 Safety; 13.195–30 Investment; § 13.205 Scientific or other relevant facts; § 13.285 Value. Subpart—Corrective Actions and/or Requirements; § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–37 Formal regulatory and/or statutory requirements; 13.533–45 Maintain records. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1370 Business methods, policies and practices; § 13.1395 Connections and arrangements with others; § 13.1533 Purchasing methods.—Goods: § 13.1575 Comparative data or merits; § 13.1615

Earnings and profits; § 13.1623 Formal regulatory and statutory requirements; § 1715 Quality; § 13.1740 Scientific or other relevant facts; § 13.1775 Value.—Promotional Sales Plans: § 13.1830 Promotional sales plans.—Services: § 13.1835 Cost. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1882 Prices; § 13.1885 Qualities or properties; § 13.1886 Quality, grade or type; § 13.1889 Risk of loss; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.1930 "Degrees", "certificates", etc. § 13.1945 Fictitious bids or price quotations; § 13.2063 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Gemstones.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,
Secretary.

[FR Doc. 82-28118 Filed 10-12-82; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 21

Selected Special Calls—Duties of Foreign Brokers, Domestic and Foreign Traders, Futures Commission Merchants and Contract Markets

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission is adding a new § 21.03 to its regulations. Under § 21.03, a futures commission merchant ("FCM"), trader or foreign broker is required to provide to the Commission upon special call pertinent market information concerning its options and futures trading. If the FCM, trader or foreign broker fails to respond as required to the special call, the Commission may direct the appropriate contract market and all FCMs to prohibit further trades on the contract market and in the delivery months or option expiration dates specified in the call for or on behalf of the FCM, trader or foreign broker named in the call, unless such trades offset existing open contracts of such FCM, trader or foreign broker. This rule includes within its provisions FCMs and domestic traders

in addition to foreign brokers and foreign traders and options in addition to futures contracts. The application of this rule is limited to instances where the information may be relevant information in enabling the Commission to determine whether the threat of a market manipulation, corner, squeeze or other market disorder exists in any contract market and where books and records of the FCM, trader or foreign broker upon whom the special call is made are not open at all times to inspection in the United States by any representative of the Commission.

The Commission is adopting this regulation in order to facilitate the Commission's ability to obtain timely information concerning futures and options trading from all market participants, which the Commission believes is critical to effectively monitoring conditions in the markets.

DATE: Effective on November 12, 1982.

FOR FURTHER INFORMATION CONTACT: Maureen A. Donley, Attorney, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202) 254-9880.

SUPPLEMENTARY INFORMATION: As part of the Commission's effort to provide an effective means of obtaining market information without discouraging active participation in futures markets, on May 14, 1980, the Commission published for comment Proposed Rule 21.03, "Futures Commission Merchants—Duties Concerning Accounts Carried for Foreign Brokers and Traders." 45 FR 31731. Underlying this proposal was the Commission's interest in improving its "ability to acquire essential market data concerning futures trading on United States exchanges by foreign persons." 45 FR 31731.

The Commission received more than thirty comments on the original May 1980 proposal. Subsequently, on June 2, 1982, the Commission proposed a revised rule which is "designed to alleviate many of the burdens and concerns of the earlier proposed rule" while satisfying the Commission's interest in ensuring that it will be able to obtain needed market information. 47 FR 23951. The modified rule would have required a FCM, trader or foreign broker to provide to the Commission upon special call pertinent market information concerning its accounts. If the FCM, trader or foreign broker failed to respond to the special call, the Commission could direct the appropriate contract market and all FCMs to prohibit further trades in the contract market and in the delivery months or

¹ Copies of the Complaint and the Decision and Order filed with the original document.

option expiration dates specified in the call by or on behalf of the FCM, trader or foreign broker named in the call unless such trades offset existing open contracts of such FCM, trader or foreign broker. The FCM would be required to explain the rule to a customer before opening an account or effecting transactions in futures or options contracts in an existing account for the customer. Also, agents designated pursuant to Rule 15.05 would be required to promptly transmit calls if made to a foreign broker or foreign trader. This rule was expanded from the earlier proposed rule, 45 FR 31731 (May 14, 1980), to include within its provisions FCMs and domestic traders in addition to foreign brokers and foreign traders and options in addition to futures contracts. The application of this rule was limited to instances where the Commission needs information to determine whether the threat of a market manipulation, corner, squeeze or other market disorder exists in any contract market and where books and records of the FCM, trader or foreign broker upon whom the special call is made are not open at all times to inspection in the United States by any representative of the Commission. After reviewing the public comments on the modified proposed rule, and in response to many of these comments, the Commission has further revised the modified proposed rule and is adopting the rule as revised.

The Commission's Responsibility to Gather Trading Information

The Commission believes that providing market access to as many participants as possible allows commodities traded on domestic exchanges to reflect more accurately international supply and demand factors and provides additional market liquidity thereby facilitating the price discovery function of U.S. futures exchanges.

The Commission's overriding responsibility, however, is to preserve orderly markets. In order to monitor conditions in the markets effectively, the Commission must be able to gather and assess current trading data. The Commission's market surveillance program seeks to identify market participants and to obtain accurate and current information concerning their trading activities. This information permits the Commission to ascertain whether the markets are functioning normally or whether there exists any threat of congestion or other abnormal market condition warranting remedial action by the Commission. Absent such information, the Commission may be impeded in its market surveillance

activities and might on occasion be compelled to take market intervention actions that, if all the facts were known, would be shown to be unwarranted.

In large measure, the Commission gathers market information through its reporting and special call requirements set forth in Parts 15 through 21 of its regulations, 17 CFR Parts 15-21 (1981). With respect to foreign brokers, customers of foreign brokers and/or foreign traders, the Commission may communicate its need for information through domestic FCMs who are designated as the agent of these foreign persons for purposes of accepting delivery and service of Commission communications under Rule 15.05, 17 CFR 15.05.

The Commission believes, however, that additional procedures are needed to ensure that the Commission will be able to obtain needed market information. Difficulties have been encountered in obtaining information which the Commission needs in order to fulfill its statutory responsibilities under the Commodity Exchange Act. For example, the Commission has been unable to gain access to books and records of FCMs and domestic traders in certain circumstances.¹ Similarly, Commission efforts, through special calls and requests for information, to obtain critical market information have been impeded by certain foreign brokers and foreign traders, due in part to the tradition of commercial foreign secrecy which exists in many foreign countries.²

Public Comments Received on the June 2, 1982 Modified Proposal

The Commission received fourteen comments in response to the June 2, 1982, publication of the modified proposed rule. Commentors generally preferred the modified proposal over the earlier proposal, primarily because the Commission no longer included the automatic liquidation requirement and the requirement that FCMs maintain a list of beneficial owners. However, the commentors still had criticisms of the modified proposal. In evaluating the comments, the Commission has decided to make additional changes to the modified proposal and to adopt the regulation with the additional changes.

¹ See, e.g., *Commodity Futures Trading Commission v. Incomco, Inc.*, 649 F.2d 128 (2d Cir. 1981); *In the Matter of Cohn Commodities, Inc.*, CFTC Docket No. 78-31, [1977-1980 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶20,734 (1979).

² See, e.g., *In the Matter of Wiscope, S.A.*, CFTC Docket No. 79-14, [1977-1980 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶20,785 (1979), vacated on other grounds, 604 F.2d 764 (2d Cir. 1979); *In re Banque Populaire Suisse*, CFTC Docket No. 80-8, 2 Comm. Fut. L. Rep. (CCH) ¶21,255 (1981).

The most frequent criticism of the modified proposal concerned the burdensome nature of the requirement in § 21.03(b) that FCMs explain the provisions of the rule to all of their customers, foreign and domestic, prior to opening accounts or effecting transactions in existing accounts. Some commentors also contended that the modified proposal's exemption from § 21.03(b) of customers with open books and records is meaningless, since no FCM knows or can guarantee whether a customer's books and records are open at all times. In response to these concerns, in the final rule the Commission has limited the explanation requirement to customers for whom the FCM is required to provide the explanation provided for in Commission Rule 15.05(c), 17 CFR 15.05(c). The Commission has also expanded the exemption, now in § 21.03(a), to include FCMs with open books and records and has exempted FCMs and customers with open books and records from paragraphs (e), (g) and (h) of the rule. The Commission does not consider books and records to be "open" unless they contain information required to be maintained under the Commission's information and reporting requirements.

Some commentors reiterated sentiments expressed in the comments on the May 1980 proposal that the rule conflicts with the foreign tradition of commercial secrecy and will discourage foreign persons from trading on United States futures and options markets. Two commentors also expressed the view that while the modified proposal applied to domestic and foreign traders, it was still inherently discriminatory because it would be used mainly against foreigners. The Commission does not believe that the rule is discriminatory or that the international nature of the futures markets it regulates or the interests of foreign nations in maintaining confidentiality of their citizens' business affairs exempts foreign market participants trading on United States exchanges from the requirements of United States law.³ In

³ Foreign market participants, like domestic market participants, become subject to the Commodity Exchange Act and regulations thereunder by engaging in trading on United States futures exchanges. See *In the Matter of Wiscope, S.A.*, CFTC Docket No. 79-14, [1977-1980 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶20,785 (1979) vacated on other grounds, 604 F.2d 764 (2d Cir. 1979); see also *In re Banque Populaire Suisse*, CFTC Docket No. 80-8, 2 Comm. Fut. L. Rep. (CCH) ¶21,255 (1981). By voluntarily assuming a position on a United States futures exchange, a foreign person generates sufficient contacts to meet the requirements for jurisdiction. Cf. *International Shoe Company v. Washington*, 326 U.S. 310, 319 (1945). In addition, presence is established by Commission

this connection, the Commission notes that the rule is intended to facilitate the gathering of information which FCMs, foreign brokers and traders already are required to make available to the Commission under existing information and reporting requirements. See 17 CFR Parts 15-21.

In addition, to the extent lawful and practicable, the Commission will endeavor to confer and coordinate its actions under § 21.03 with representatives of interested foreign governments, either directly or through appropriate departments or agencies of the United States, in order that cordial and cooperative relations may be preserved. The Commission recognizes that, because the laws or customs of a foreign nation differ from those of the United States, it is in the mutual interest of both governments that the proposed or effected actions of the Commission under § 21.03 be made known, to the extent practicable and subject to national security interests, to such foreign governments.

Several commentators found the term "beneficial interest" in § 21.03 (a) and (e)(1)(iii) overbroad and expect it to impose an unworkable burden on FCMs who, these commentators asserted, do not ordinarily have such information. Again, the Commission wishes to explain that the rule and in particular these subsections only involve the production of information otherwise already required to be maintained by the FCM or foreign broker. See 17 CFR Parts 17 and 21. Moreover, since the Commission is sensitive to these concerns, it has amended paragraph (e) so that an FCM or foreign broker who is the subject of a special call is not responsible for providing the Commission with information about the beneficial interest in accounts which it carries for and in the name of another futures commission merchant or foreign broker, which are commonly known as omnibus accounts.

Rule 15.05, 17 C.F.R. § 15.05, which specifically provides that the domestic FCM shall "be deemed to be the agent of the foreign broker or the foreign trader for purposes of accepting delivery and service of any communication issued by or on behalf of the Commission to the foreign broker or the foreign trader with respect to any futures contracts which are or have been maintained in such accounts carried by the futures commission merchant." In an analogous jurisdictional situation, courts have recognized the jurisdiction of the Securities and Exchange Commission over non-residents who engage in activities in the United States which are subject to its regulatory control. See *Securities and Exchange Commission v. Banca Della Svizzera Italiana*, 92 F.R.D. 111 (S.D.N.Y. 1981) (Judge Milton Pollack); *Securities and Exchange Commission v. Myers*, 285 F. Supp. 743 (D. Md. 1968); *Securities and Exchange Commission v. Gilbert*, 82 F.R.D. 723 (S.D.N.Y. 1979); *Securities and Exchange Commission v. VTR, Incorporated*, 39 F.R.D. 19, 21-22 (S.D.N.Y. 1966).

The Commission intends to obtain that information, if needed, directly from the originating FCM or foreign broker.

The comments also indicated some confusion over the meaning of paragraph (f), which certain exchanges feared would require them to prohibit the acceptance of orders by FCMs and thus make the exchanges guarantors of FCMs, foreign brokers and traders. This is not the Commission's intention and the Commission has rephrased this provision so that exchanges are required only to prohibit the execution of trades identified in the special call except to offset existing open contracts. The Commission also has amended paragraph (f) to provide for written notification to exchanges of Commission determinations to prohibit trading, in response to those commentators who suggested a need for written notice.

Summary of the Adopted Rule

Paragraph (a) of the adopted rule defines three terms for purposes of § 21.03: "accounts of a futures commission merchant or foreign broker" is defined as all open contracts and transactions in futures and options on the records of the FCM or foreign broker; "beneficial interest" is defined as having or sharing in any rights, obligations or financial interests in any futures or options account; and "customer" means any FCM, foreign broker, or trader for whom a FCM makes or causes to be made a futures or options contract. In addition § 21.03(a) exempts from the provisions of paragraph (e), (g) and (h) of this rule any FCM or customer whose books and records are open at all times to inspection in the United States by any representative of the Commission.

As adopted, § 21.03(b) makes it unlawful for a FCM to open an account for a customer or to effect transactions for an existing account until the FCM has fully explained the requirements of Rule 21.03. This explanation requirement is limited to customers for whom the FCM is required to provide the explanation provided for in Commission Rule 15.05. The FCM may explain the provisions of the rule in any manner it deems appropriate.

Section 21.03(c) requires that the Commission determine prior to issuing a special call under this rule that information concerning accounts may be relevant information in enabling the Commission to determine whether the threat of a market manipulation, corner, squeeze, or other market disorder exists. This provision is consistent with the Commission's authority to gather and assess current market data under

Section 4i of the Commodity Exchange Act, as amended ("the Act"), 7 U.S.C. 6i.

Section 21.03(d) provides that in the event the call is issued to a foreign broker or foreign trader, its agent designated pursuant to § 15.05 of this chapter, which is often a FCM, may be required to transmit any special call made pursuant to this section by telex or a similarly expeditious means of communication. However, paragraph (d) does not bind the Commission to using the agent for foreign service under § 21.03.

Under § 21.03(e) the reporting burden is directly on the FCM or customer to whom the special call is issued, who is required to transmit at the place and within the time required by the Commission certain information specified in § 21.03(e) (1) and (2), including information regarding omnibus accounts (§ 21.03(e)(1)(i) through (iv)). In determining the time within which the information responsive to the special call must be submitted, the Commission intends to take into account difficulty of transmission, time differences, the quantity and type of information requested and other appropriate factors. The special call, insofar as it may require a trader to provide the cash commodity transaction and position information required to be maintained pursuant to 17 CFR 18.05, shall be limited to information relating to futures or options positions of the trader in the United States. (Section 21.03(e)(2)(iv)).

Section 21.03(f) permits the Commission to prohibit further trading in the contract market and in the delivery months or option expiration dates specified in the call except for liquidation trading. This trading limitation is intended to preserve the status quo by prohibiting the FCM, trader or foreign broker from adding new positions for the delivery months or option expiration dates. This procedure, which does not provide for a hearing prior to the Commission's acting, will provide the Commission with an effective means of enforcing special calls in appropriate circumstances. Where information that may be relevant information in enabling the Commission to determine whether the threat of market manipulation, corner, squeeze or other market disorder is not provided, this procedure allows the Commission immediately to prevent a FCM, trader or foreign broker from further building its position.

Section 21.03(g) provides for the opportunity to petition the Commission for a prompt hearing after the Commission acts under § 21.03(f). The Commission intends this provision to

provide a meaningful opportunity, where appropriate, to contest any facts which formed the basis for the Commission's determination to limit trading for liquidation only.

Section 21.03(h) specifies time limits and procedures in the event the Commission determines, during the course of or after it acts pursuant to § 21.03(f), that it is appropriate to commence an action under section 6(b) of the Act, 7 U.S.C. 9. After a hearing under section 6(b) of the Act, the Commission may determine that failure to respond to a § 21.03 call for information about an account is enough to justify requiring liquidation of the account. The procedure set forth in § 21.03(h) does not preclude or estop the Commission from taking other appropriate action under the Commodity Exchange Act or the Act.⁴

List of Subjects in 17 CFR Part 21

Commodity futures, Futures commission merchants, Foreign brokers, Domestic and Foreign Traders, Reporting requirements, Special calls.

PART 21—SPECIAL CALLS FOR INFORMATION FROM FUTURES COMMISSION MERCHANTS, FOREIGN BROKERS, AND MEMBERS OF CONTRACT MARKETS

In consideration of the foregoing and pursuant to the authority in Sections 4c, 4g, 4i, 5, 5a and 8a of the Commodity Exchange Act, as amended, 7 U.S.C. 6c, 6g, 6i, 7, 7a and 12a, the Commission hereby amends 17 CFR Part 21 by adding a new § 21.03 as follows:

§ 21.03 Selected Special Calls—Duties of Foreign Brokers, Domestic and Foreign Traders, Futures Commission Merchants and Contract Markets.

(a) For purposes of this section the term "accounts of a futures commission merchant or foreign broker" means all open contracts and transactions in futures and options on the records of the futures commission merchant or foreign broker; the term "beneficial interest" means having or sharing in any rights, obligations or financial interest in any futures or options account; the term

"customer" shall mean any futures commission merchant, foreign broker, or trader for whom a futures commission merchant makes or causes to be made a futures or options contract. Paragraphs (e), (g) and (h) of this section shall not apply to any futures commission merchant or customer whose books and records are open at all times to inspection in the United States by any representative of the Commission.

(b) It shall be unlawful for a futures commission merchant to open futures or options accounts or to effect transactions in futures or options contracts for an existing account for any customer for whom the futures commission merchant is required to provide the explanation provided for in Commission Rule 15.05(c), 17 CFR 15.05(c), until the futures commission merchant has explained fully to the customer, in any manner the futures commission merchant deems appropriate, the provisions of this section.

(c) Upon a determination by the Commission that information concerning accounts may be relevant information in enabling the Commission to determine whether the threat of a market manipulation, corner, squeeze, or other market disorder exists in any contract market, the Commission may issue a call for information from a futures commission merchant or customer pursuant to the provisions of this section.

(d) In the event the call is issued to a foreign broker or foreign trader, its agent, designated pursuant to § 15.05 of this chapter, shall, if directed, promptly transmit calls made by the Commission pursuant to this section by telex or a similarly expeditious means of communication.

(e) The futures commission merchant or customer to whom the special call is issued must provide to the Commission the information specified below for the commodity, contract market, and delivery months or option expiration dates named in the call. Such information shall be filed at the place and within the time specified by the Commission.

(1) For each account of a futures commission merchant or foreign broker, including those accounts in the name of the futures commission merchant or foreign broker, on the dates specified in the call issued pursuant to this section, a futures commission merchant or foreign broker shall provide the Commission with the following information:

(i) The name and address of the person in whose name the account is carried, and, if the person is not an

individual, the name of the individual to contact regarding the account;

(ii) The total open futures and options contracts in the account;

(iii) The number of futures contracts against which delivery notices have been issued or received and the number against which exchanges of futures for cash have been transacted during the period of time specified in the call;

(iv) Whether the account is carried for and in the name of another futures commission merchant or foreign broker; and

(v) For the accounts which are not carried for and in the name of another futures commission merchant or foreign broker, the following:

(a) The name and address of any other person who controls the trading of the account, and

(b) The name and address of any person who has a ten percent or more beneficial interest in the account.

(2) Each trader shall provide the Commission with the following information:

(i) The total open futures and options contracts owned or controlled on the dates specified in the call;

(ii) The name and address of any person having a ten percent or more beneficial interest in the open futures or options contracts reported pursuant to this paragraph;

(iii) The name and address of any other person who controls the trading of the open futures or options contracts reported pursuant to this paragraph; and

(iv) The cash commodity transaction and position information required to be maintained pursuant to § 18.05 of this chapter as specified in the call which relates to futures or options positions of the trader in the United States.

(f) If the Commission has reason to believe that a futures commission merchant or customer has not responded as required to a call made pursuant to this section, the Commission in writing may inform the contract market specified in the call and that contract market shall prohibit the execution of, and no futures commission merchant or foreign broker shall accept an order for, trades on the contract market and in the months or expiration dates specified in the call for or on behalf of the futures commission merchant or customer named in the call, unless such trades offset existing open contracts of such futures commission merchant or customer.

(g) Any futures commission merchant or customer named in a special call that believes he or she is or may be adversely affected or aggrieved by action taken by the Commission under

⁴In the June 2, 1982 Federal Register, the Chairman, pursuant to Section 3(a) of the Regulatory Flexibility Act, 94 Stat. 1168 (5 U.S.C. 605(b)) certified on behalf of the Commission that this rule will not have a significant economic impact on a substantial number of small entities. While the Commission invited comments from any small firms or traders which believed that the promulgation of this rule would have a significant economic impact upon them, no such comments were received.

Office of Management and Budget Control Numbers 3038-0007 and 3038-0009 for Part 21 of the Commission's Rules will apply for purposes of the Paperwork Reduction Act of 1980. See 46 FR 63035 (Dec. 30 1981).

paragraph (f) shall have the opportunity for a prompt hearing after the Commission acts. That person may immediately present in writing to the Commission for its consideration any comments or arguments concerning the Commission's action and may present for Commission consideration any documentary or other evidence that person deems appropriate. Upon request, the Commission may, in its discretion, determine that an oral hearing be conducted to permit the further presentation of information and views concerning any matters by any or all such persons. The oral hearing may be held before the Commission or any person designated by the Commission, which person shall cause all evidence to be reduced to writing and forthwith transmit the same and a recommended decision to the Commission. The Commission's directive under paragraph (f) of this section shall remain in effect unless and until modified or withdrawn by the Commission.

(h) If, during the course of or after the Commission acts pursuant to paragraph (f), the Commission determines that it is appropriate to undertake a proceeding pursuant to section 6(b) of the Commodity Exchange Act, 7 U.S.C. 9, the Commission shall issue a complaint in accordance with the requirements of section 6(b), and, upon further determination by the Commission that the conditions described in § 21.03(c) still exist, a hearing pursuant to section 6(b) of the Act shall commence no later than five business days after service of the complaint. In the event the futures commission merchant or customer served with the complaint under section 6(b) has, prior to the commencement of the section 6(b) hearing, sought a hearing pursuant to paragraph (g) above and the Commission has determined to accord him such a hearing, the two hearings shall be conducted simultaneously. Nothing in this section shall preclude the Commission from taking other appropriate action under the Commodity Exchange Act or the Commission's Rules, including action under section 6(b) of the Act, regardless of whether the conditions described in § 21.03(c) still exist, and no ruling issued in the course of a hearing pursuant to paragraph (g) or this paragraph shall constitute an estoppel against the Commission in any other action.

Issued in Washington, D.C. on October 7, 1982 by the Commission.

Jane K. Stuckey,
Secretary for the Commission.

[FR Doc. 82-28139 Filed 10-12-82; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-19092; File No. S7-787]

Designation of National Market System Securities

AGENCY: Securities and Exchange Commission.

ACTION: Deferral of effective date.

SUMMARY: In order to provide the opportunity to develop an appropriate phase-in plan, provide OTC traders with more experience in last sale reporting during periods of high volume, and to ensure that Tier 2 issuers will receive an adequate opportunity to assess the influence of these additional factors on the last sale reporting of Tier 1 securities, the Commission is amending its Rule governing the designation of national market system securities from October 1, 1982, to February 1, 1983.

EFFECTIVE DATE: September 30, 1982.

FOR FURTHER INFORMATION CONTACT: William W. Uchimoto, Esq. (202) 272-2409, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

Introduction

Section 11A(a)(2) of the Securities Exchange Act of 1934 ("Act") directs the Commission to designate, by rule, securities eligible for trading in the national market system ("NMS"). On February 17, 1981, the Commission adopted Rule 11Aa2-1¹ ("Rule") under the Act providing criteria and procedures by which certain securities traded exclusively in the over-the-counter ("OTC") market will be designated as NMS Securities.²

The Rule employs a two-tiered approach to determine which OTC securities are to be designated NMS Securities. In this respect, pursuant to the Tier 1 criteria, which became effective on April 1, 1982, the most actively traded OTC securities were designated automatically as NMS Securities.³ In addition, the Rule

currently permits those securities meeting the less stringent Tier 2 criteria to be designated as NMS Securities on or after October 1, 1982, if the issuers of those securities so elect.

Deferral of Tier 2

The Commission notes that the Designation Plan for NMS Securities ("Plan"),⁴ as presently in effect, allows issuers of securities which meet the Tier 2 eligibility criteria, to apply for designation of their securities as NMS Securities on the effective date of the Tier 2 criteria. Accordingly, the entire universe of eligible Tier 2 securities potentially could be designated on the day that Tier 2 becomes effective or shortly thereafter. In this regard, the NASD has indicated to the Commission that in its view, the designation of a large number of securities at one time could create administrative and clerical problems for the OTC broker-dealers who would be responsible for reporting transactions in newly designated NMS Securities.⁵ In approving the Designation Plan, the Commission acknowledged the legitimacy of these concerns and urged the NASD to develop amendments to the Plan which would require Tier 2 securities to be phased in over a sufficient period of time to avoid any unnecessary administrative burdens on the reporting OTC firms.

In response to the Commission's request, the NASD is in the process of formulating an amendment to the Plan that will propose a phase-in plan for Tier 2 securities. The NASD has informally indicated that such a plan will limit the initial number of Tier 2 designations by phasing in eligible securities over a period of time. The NASD also indicated that it believes that the effective date of Tier 2 should be deferred for a short period to permit the NASD to implement certain enhancements to its NASDAQ reporting capability which will permit firms to report trades for back office comparison purposes. The NASD indicates that a number of OTC market makers have evidenced their interest in this capability and that it may reduce administrative costs associated with last sale reporting.

The Commission continues to believe that the development of a transitional

¹ 17 CFR 240.11Aa2-1.

² Upon designation, an NMS Security is deemed a "reported" security, as that term is defined in Rule 11Ac1-1(a)(6) under the Act, and subject to, among other things, the Commission's last sale reporting rule, Rule 11Aa3-1 under the Act.

³ The list of Tier 1 securities is revised quarterly to reflect changing market conditions. Currently, there are 62 NMS Securities designated pursuant to Tier 1.

⁴ Pursuant to the Rule, the National Association of Securities Dealers, Inc. ("NASD") submitted the proposed Plan to the Commission on July 24, 1981. Securities Exchange Act Release No. 18133 (October 13, 1981), 46 FR 50451. The Commission subsequently approved the Plan on January 7, 1982. Securities Exchange Act Release No. 18399 (January 7, 1982), 47 FR 2226.

⁵ See Securities Exchange Act Release No. 18397 (January 7, 1982), 47 FR 2226.

phase-in plan is a reasonable method to allow the industry to become accustomed to transaction reporting without the possible disruption of trading that could accompany the designation of all Tier 2 securities at one time. Moreover, the Commission also believes that the NASD's proposed enhancements to its NASDAQ system should reduce, to some extent, the administrative costs associated with the expansion of last sale reporting to Tier 2 securities. Accordingly, to provide the NASD with additional time to implement its proposed NASDAQ enhancements, submit its proposed phase-in plan to the Commission, as well as to ensure that the submission, once filed, receives an adequate comment period, the Commission is amending the Rule so as to defer the effective date of Tier 2 from October 1, 1982, to February 1, 1983.

The Commission notes that deferral of Tier 2 also will give issuers of securities meeting the Tier 2 criteria additional time to evaluate the benefits of NMS designation for their securities. In adopting the Rule, the Commission believed that by the effective date of Tier 2 issuers of those securities would be in a position to determine whether they believed the markets for their securities would benefit from last sale reporting. Specifically, the Commission stated in the Rule's adoption release that "the Commission and the industry will be able to gain experience with transaction reporting for a limited number of OTC Securities (*i.e.*, Tier 1) while issuers of Potential NMS Securities (*i.e.*, Tier 2) will be permitted to determine whether they will seek to have those securities so designated."⁶ In this regard, although Tier 1 will have been in effect for six months on October 1, 1982, the Commission believes that the experiential value of this initial period has been limited in several respects. The Commission would note that last sale information for Tier 1 securities only has been generally available to the investing public since mid July 1982.⁷ Consequently, Tier 2

issuers have had a limited opportunity to evaluate the impact, if any, resulting from the public having access to this information.⁸

In addition, NASDAQ trading volume, as well as trading volume in Tier 1 securities, has been relatively low for the majority of time that these initially designated securities have been reported. Only starting in late August 1982 did the markets in Tier 1 securities begin experiencing a sustained period of high trading activity. In this regard, deferral of Tier 2 will permit OTC traders to become more experienced with last sale reporting during periods of high volume, and will provide issuers an opportunity to ascertain whether last sale reporting during active trading periods has had any effect on the markets of Tier 1 securities.

Accordingly, in order to provide the opportunity to develop an appropriate phase-in plan, provide OTC traders with more experience in last sale reporting during periods of high volume, and to ensure that Tier 2 issuers will receive an adequate opportunity to assess the influence of these additional factors on the last sale reporting of Tier 1 securities, the Commission is amending the Rule so as to defer the effective date of Tier 2 from October 1, 1982 to February 1, 1983.

Effects on Competition

Section 23(a)(2) of the Act⁹ requires the Commission, in adopting rules under the Act, to consider the anticompetitive effects of such rules, if any, and to balance any anticompetitive impact against the regulatory benefits gained in terms of furthering the purposes of the Act. Since the amendments merely postpone the effective date of a particular provision of Rule 11Aa2-1, the Commission does not believe that this amendment to Rule 11Aa2-1 will have any effect on competition.

Text of the Rule Amendment

The Securities and Exchange Commission hereby amends Rule 11Aa2-1 pursuant to its authority under the Securities Exchange Act of 1934, and particularly Sections 2, 3, 6, 9, 10, 11, 11A, 15, 17, and 23 thereof.

through them, public investors, with last sale information for Tier 1 securities.

⁶For similar reasons, Smith Barney, Harris Upham & Co., Inc. ("Smith Barney") and the OTC Trading Committee of the Securities Industry Association ("SIA") have argued for a postponement of Tier 2. See letter to George A. Fitzsimmons, Secretary, SEC, from John A. Orb, President, Smith Barney, dated July 30, 1982; letter to Gordon S. Macklin, President, NASD, from A. James Jacoby, Chairman, OTC Trading Committee, SIA, dated July 30, 1982.

⁹15 U.S.C. 78w(a)(2).

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Title 17, Chapter II, of the Code of Federal Regulations is amended as follows:

By revising paragraph (g) of § 240.11Aa2-1 to read as follows:

§ 240.11Aa2-1 Designation of national market system securities.

(g) *Effective dates.* The effective date of this section shall be April 1, 1981, except for paragraph (b)(1) of this section which shall become effective on January 22, 1982, and paragraph (b)(2) of this section which shall become effective of February 1, 1983.

Effective Date of the Amendment

The Commission, in accordance with the requirements of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B) and 553(d)(3)) finds that good cause exists for this rule amendment to take effect immediately without prior notice and public procedure. First, it would be impossible to adhere to these requirements and still allow for the timely postponement of the effective date of Tier 2 under the rule. Second, this is a technical amendment that will have no significant effect on the substantive portions of the Rule.

By the Commission.

George A. Fitzsimmons,
Secretary.

September 29, 1982.

[FR Doc. 82-28071 Filed 10-12-82; 8:45 am]

BILLING CODE 8010-01-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 503

Fees: Schedules of Standard Fees

AGENCY: United States Information Agency.

ACTION: Final rule; amendment.

SUMMARY: On July 23, 1982, the United States Information Agency (formerly the International Communication Agency) published in the *Federal Register* (47 FR 31888) a proposed amendment to its Freedom of Information Act (5 U.S.C. 552) "Schedule of Standard Fees" published in the *Federal Register* on August 23, 1976 (41 FR 35480). The increase in fees is necessary due to inflationary cost increases during the six years since the present fees were established.

⁶Securities Exchange Act Release No. 17549 (February 17, 1981), 46 FR 13992, 14000.

⁷Last sale information on Tier 1 securities was available only to subscribers of NASDAQ Level II/III services upon the start-up of Tier 1 on April 1, 1982; the great majority of such subscribers are OTC traders. On June 1, 1982, newspapers started publishing the closing volume and the high, low and last reported trade price for the day in each Tier 1 security, and GTE Telenet Information Services, Inc. and the Institutional Network Corporation began disseminating this information to the broker-dealer community. It was not until mid July 1982, however, that all vendors of securities information (including Quotron and Bunker Ramo which are the largest vendors) were providing broker-dealers, and

No public comment having been received, the Agency adopts the amendments.

EFFECTIVE DATE: October 13, 1982.

FOR FURTHER INFORMATION CONTACT: Charles Jones, Access to Information Officer, Property and Records Management Branch, General Support Division, Office of Administration and Technology, Associate Director for Management (202) 724-9089.

List of Subjects in 22 CFR Part 503

Freedom of information.

PART 503 [AMENDED]

Accordingly, the following amendments are made in 22 CFR Chapter V, Part 503:

§ 503.6 [Amended]

Section 503.6(c)(1)(ii) is revised to read as follows:

- * * * * *
- (c) * * *
- (1) * * *
- (ii) Searching for records per hour—\$8.00 for clerical personnel; \$15.00 for supervisory personnel. No fees will be charged for searches of one hour or less.
- * * * * *

(22 U.S.C. 2658; 31 U.S.C. 483a; 5 U.S.C. 301; 5 U.S.C. 552 as amended by Pub. L. 93-502, 88 Stat. 1561; E.O. 10477, as amended, 18 FR 4540, 3 CFR 1949-1953 Comp., page 958, at 22 U.S.C.A. 811a; E.O. 11652, 37 FR 5209, 3 CFR (1974), page 339, Pub. L. 97-241, Title III, Sec. 303(a))

Dated: September 14, 1982.

Gilbert A. Robinson,

Acting Director.

[FR Doc. 82-28067 Filed 10-12-82; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Grand Portage National Monument, Minnesota; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: On May 4, 1982, the National Park Service, Department of the Interior, published in the *Federal Register* (47 FR 19171) a proposed rule to designate those routes within Grand Portage National Monument where snowmobiles may be used for recreational purposes. This proposal was made available for public review and comment for a period of thirty (30) days following publication in the *Federal Register*, ending on June 3, 1982. Comments received consideration

during preparation of the final rule. As a result of this rulemaking process, the final regulation is published to provide for the preservation and enjoyment of Grand Portage National Monument, in a way that is consistent with both the snowmobile policy of the National Park Service and the off-road policy of the Department of the Interior.

EFFECTIVE DATE: November 12, 1982.

FOR FURTHER INFORMATION CONTACT: Anthony L. Andersen, Superintendent, Grand Portage National Monument, P.O. Box 666, Grand Marais, Minnesota 55604, telephone: (218) 387-2788.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (Use of Off-Road Vehicles on Public Lands), issued on February 9, 1972, 37 FR 2877, directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and in the case of national parks, not adversely affect scenic, natural, and aesthetic values. In response to Executive Order 11644 (Use of Off-Road Vehicles on Public Lands) the Secretary of the Interior issued a Departmental memorandum of May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR 2.34 on April 1, 1974, which closed all National Park System areas to snowmobile use except those specifically designated as open by Federal Register notice of special regulation.

In order to comply with the requirements of Executive Order 11644 and 36 CFR 2.34, the National Park Service developed a Servicewide policy revision which was published in the *Federal Register* on August 13, 1979 (44 FR 47412). This policy provides for the use of snowmobiles in units of the National Park System as a mode of transportation to provide the opportunity for the visitors to see, sense, and enjoy the special qualities of the park in winter; natural, cultural, scenic, and aesthetic values; safety considerations; park management objectives; and not disturb the wildlife or damage other park resources.

The policy provides that, where permitted, snowmobiles shall be confined to properly designated routes and water surfaces, which are used by motorized vehicles or motorboats during the other seasons. Routes and water

surfaces to be designated for snowmobile use shall be promulgated as special regulations in the "Code of Federal Regulations." This regulation is necessary to comply with Servicewide policy. Its promulgation also responds to public interest in recreational opportunities in designated portions of the Grand Portage National Monument where snowmobiles may be used. The Grand Portage Trail which bisects the Grand Portage Indian Reservation land has a number of roads and trails crossing it to other areas of the reservation. At the present time, these roads and trails (including the snowmobile route) are being used during the summer season by several types of motorized vehicles to traverse the area included within the Grand Portage National Monument. This usage is permitted in accordance with Section 7 of the Act of September 2, 1958, 72 Stat. 1751, establishing the Grand Portage National Monument, which states that, "recognized members of the Minnesota Chippewa Tribe shall not be denied the privilege of traversing the area included within the Grand Portage National Monument for the purpose of logging their land, fishing or boating, or a means of access to their homes, businesses, or other areas of use and they shall have the right to traverse such area in pursuit of their traditional rights to hunt and trap outside the monument: Provided, that in order to preserve and interpret the historic features and attractions within the monument, the Secretary may prescribe reasonable regulations under which the monument may be traversed." (Emphasis added). Therefore, these regulations will not affect present practices of snowmobile use on reservation lands. The designated routes for snowmobiles will be as follows:

(a) The trail from County Road 73 (near the Grand Portage Trading Post) which moves across the Grand Portage to County Road 17 near the Catholic Church.

(b) The powerline right-of-way from County Road 73 which moves across the Grand Portage Trail.

(c) The logging road which moves across the Grand Portage Trail in NE ¼, SE ¼, Section 32, T64N, R6E.

(d) Abandoned Highway 61 which moves across the Grand Portage Trail.

(e) The logging road which moves across the Grand Portage Trail in SE ¼, NW ¼, Section 25, T64N, R5E.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to

participate in the rulemaking process. Accordingly, a news release was distributed on May 13, 1982, to the local newspaper, and snowmobile club, Minnesota Department of Natural Resources, U.S. Forest Service and the Reservation Business Committee inviting their comments on the proposed rule.

During the thirty (30) day public review and comment period, the National Park Service received two written comments from individuals, both supporting the proposal. One international organization also commented in favor of the proposal. Consequently, the rule promulgated here is the same as the one proposed, with several format and technical changes incorporated.

Drafting Information

The following persons participated in the writing of this regulation: Anthony Andersen, Superintendent; and Bernard J. Gestel, Park Ranger.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance with Other Laws

The Department of the Interior has determined that this document is not a "major rule" under E.O. 12291, and certifies that this document will not have a "significant economic effect on a substantial number of small entities" under the Regulatory Flexibility Act, (5 U.S.C. 601 *et seq.*). Snowmobiling is not an extensive activity in this area; the majority of use is expected from a local snowmobiling population of about 4,000 people within a 100 mile radius. These rules impose no substantial costs on small entities. There may be a limited positive effect on local repair shops, filling stations, parts stores, and retail outlets for snowmobiles.

Pursuant to the National Environmental Policy Act, 43 U.S.C. 4332, the Service has prepared an Environmental Assessment. Copies of the Environmental Assessment and the Finding of No Significant Impact are available for public review at address noted above.

Authority

Section 3 of the Act of August 25, 1916, 39 Stat. 535 as amended (16 U.S.C. 3).

List of Subjects in 36 CFR Part 7

National parks.

PART 7—SPECIAL REGULATIONS AREAS OF THE NATIONAL PARK SERVICE

In consideration of the foregoing, Part 7 of Title 36 of the "Code of Federal Regulations is amended by the addition of § 7.59 as follows:

§ 7.59 Grand Portage National Monument.

(a) Snowmobiles—After consideration of existing special situations, i.e. depth of snow, and depending on local weather conditions, the superintendent may permit the use of snowmobiles on the following designated routes within the National Monument:

(1) The trail from County Road 73 (near the Grand Portage Trading Post) which moves across the Grand Portage to County Road 17 near the Catholic Church.

(2) The powerline right-of-way road from Country Road 73 which moves across the Grand Portage Trail.

(3) The logging road which moves across the Grand Portage Trail in NE ¼, SE ¼, Section 32, T64N, R6E.

(4) Abandoned Highway 61 which moves across the Grand Portage Trail.

(5) The logging road which moves across the Grand Portage Trail in SE ¼, NW ¼, Section 25, T64N, R5E.

Dated: September 10, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-28113 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 162

[PH-FRL 2225-5; OPP-250040]

Notification to the Secretary of Agriculture of a Final Rule Interpreting Sections 26 and 27 of FIFRA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule Related Notice.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a final rule interpreting sections 26 and 27 of FIFRA. The rule clarifies several of the operative terms in these sections relating to State primary enforcement responsibility for pesticide use violations.

FOR FURTHER INFORMATION CONTACT: Laura Campbell, Pesticides and Toxic Substances Enforcement Division (EN-342), Office of Pesticides and Toxic Substances, Environmental Protection

Agency, Rm. M2624E, 401 M St., SW., Washington, D.C. 20460, (202-755-9147).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any final regulation at least 30 days prior to signing it for publication in the *Federal Register*. If the Secretary comments in writing regarding the regulation within 15 days after receiving it, the Administrator shall publish in the *Federal Register*, with the final regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign the regulations for publication in the *Federal Register* anytime after the 15-day period.

Pursuant to FIFRA section 25(a)(3), a copy of this regulation has also been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(Sec. 25, as amended, Pub. L. 92-516, 86 Stat. 973; Pub. L. 94-140, 89 Stat. 753 (7 U.S.C. 136 *et seq.*))

List of Subjects in 40 CFR Part 162

Intergovernmental relations, Labeling, Packaging and containers, Pesticides and pests, Administrative practice and procedure.

Dated: October 1, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-27957 Filed 10-12-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP OF2280/R481; PH-FRL 2223-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 6-Methyl-1,3-Dithiolo[4,5-B] Quinoxalin-2-One

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the miticide 6-methyl-1,3-dithiolo[4,5-B] quinoxalin-2-one in or on the raw agricultural commodity apricots. This regulation to establish the maximum permissible level for the miticide in or on apricots was requested by Mobay Chemical Corp.

EFFECTIVE DATE: Effective on October 13, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, 82P-2663, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the *Federal Register* of December 12, 1979 (44 FR 71895) that Mobay Chemical Corp., Agricultural Chemicals Division, 1140 Connecticut Ave., Suite 604, Washington, D.C. 20036, had submitted a pesticide petition (PP OF2280) to EPA. This petition proposed the establishment of a tolerance for residues of the miticide 6-methyl-1,3-dithiolo[4,5-B]quinoxalin-2-one in or on the raw agricultural commodities apricots and cherries at 0.02 part per million (ppm).

No comments were received in response to the notice of filing.

Subsequently, the petition was amended to delete the tolerance proposal for cherries.

The data and other relevant material submitted in support of the petition have been evaluated. The toxicological data submitted in support of the petition included a 2-year rat feeding/ oncogenicity study with a no-observed-effect level (NOEL) of 60 ppm (negative for oncogenicity); a supplementary 2-year dog feeding study with a NOEL of 25 ppm; a 3-generation reproduction study with a NOEL of 60 ppm; and a rat teratology study that was negative at 750 ppm (highest level tested). Based on the 2-year chronic rat feeding study with a NOEL of 60 ppm and using a 100-fold safety factor, the acceptable daily intake (ADI) for humans is 0.03 milligrams (mg)/kilograms (kg) of body weight (bw)/day. The theoretical maximum residue contribution (TMRC) in the human diet from this tolerance and previously established tolerances for this chemical does not exceed the ADI.

The metabolism of 6-methyl-1,3-dithiolo[4,5-B]quinoxalin-2-one is adequately understood for this use, and an adequate analytical method (gas chromatography) is available for enforcement purposes. No regulatory actions are pending against the continued registration of this chemical, and there are no other relevant considerations involved in establishing this tolerance.

Because there are no animal feed items involved in this petition, there are no problems of secondary residues in meat, milk, poultry, and eggs from this proposed use.

Desirable data that are considered lacking from this petition include a repeat dog feeding study, a mouse oncogenicity study, a rabbit teratology study, and a mutagenicity study. In a letter dated June 15, 1982, the company indicated that the studies would be submitted to the Agency by early 1983. The company also agreed to delete voluntarily the use of apricots from the label if the results of the studies are found to exceed the risk criteria for unreasonable adverse effects.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the establishment of this tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the *Federal Register*, file written objections with the Hearing Clerk at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances, or raising tolerance levels, or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Raw agricultural commodities, Pesticides and pests.

Dated: September 30, 1982.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 180 [AMENDED]

Therefore, 40 CFR 180.338 is revised by reformatting the commodities in an alphabetized columnar listing and amended by adding and alphabetically inserting the raw agricultural commodity apricots to read as follows:

§ 180.338 6-Methyl-1,3-dithiolo[4,5-B]quinoxalin-2-one; tolerances for residues.

Commodities	Parts per million
Apples.....	0.05 (N)
Apricots.....	0.02
Cattle, fat.....	0.05 (N)
Cattle, mby.....	0.05 (N)
Cattle, meat.....	0.05 (N)
Citrus fruits.....	0.5
Goats, fat.....	0.05 (N)
Goats, mby.....	0.05 (N)
Goats, meat.....	0.05 (N)
Hogs, fat.....	0.05 (N)
Hogs, mby.....	0.05 (N)
Hogs, meat.....	0.05 (N)
Horses, fat.....	0.05 (N)
Horses, mby.....	0.05 (N)
Horses, meat.....	0.05 (N)
Macadamia nuts.....	0.1 (N)
Milk.....	0.01 (N)
Pears.....	0.05 (N)
Sheep, fat.....	0.05 (N)
Sheep, mby.....	0.05 (N)
Sheep, meat.....	0.05 (N)
Walnuts.....	0.1 (N)

[FR Doc. 82-27955 Filed 10-12-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300064A; PH-FRL 2223-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Poly(Oxyethylene) Adducts of Mixed Phytosterols

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts poly(oxyethylene) (POE) adducts of mixed phytosterols from the requirement of a tolerance when used as an inert ingredient in pesticide formulations. This regulation was requested by Henkel Corp.

EFFECTIVE DATE: Effective on October 13, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Peter Gray, Process Coordination Branch (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 716d, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7700).

SUPPLEMENTARY INFORMATION:

EPA issued a notice of proposed rulemaking published in the *Federal Register* of September 8, 1982 (47 FR 39542) which announced that at the request of the Henkel Corp., 2010 East Hennepin Ave., Minneapolis, MN 55413, the Administrator proposed to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for poly(oxyethylene) adducts of mixed phytosterols (such sterols to consist of campesterol, stigmasterol, and sitosterol with minor amounts of associated plant sterols) derived from edible vegetable oils; polyoxyethylene content average 5-26 moles.

There were no comments or requests for referral to an advisory committee received in response to the notice of proposed rulemaking.

The bases for establishing the exemption were discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the *Federal Register*, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2))).

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: September 30, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180 [AMENDED]

Therefore, 40 CFR 180.1001(d) is amended by adding and alphabetically inserting poly(oxyethylene) adducts of mixed phytosterols to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
Poly(oxyethylene) adducts of mixed phytosterols (such sterols to consist of campesterol, stigmasterol and sitosterol with minor amounts of associated plant sterols) derived from edible vegetable oils; polyoxyethylene content averaging 5-26 moles.		Surfactant, related adjuvants.

[FR Doc. 82-27958 Filed 10-12-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300065A (PH-FRL 2223-5)]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Mixed Phytosterols

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts from the requirements of a tolerance mixed phytosterols, derived from edible vegetables oils, when used as inert ingredient in pesticide formulations. This regulation was requested by the Henkel Corp.

EFFECTIVE DATE: Effective on October 13, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Peter Gray, Process Coordination Branch (TS-767C) Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 716D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the *Federal Register* of September 8, 1982 (47 FR 39541) which announced that at the request of the Henkel Corp., 2010 East Hennepin Ave., Minneapolis, MN 55413, the Administrator proposed to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for mixed phytosterols (consisting of campesterol, sitosterol, and stigmasterol, with minor amounts of associated plant sterols) derived from edible vegetable oils.

There were no comments or requests for referral to an advisory committee received in response to the notice of proposed rulemaking.

The bases for establishing this exemption were discussed in the notice of proposed rulemaking. The pesticide is considered useful for which the exemption is sought. It is concluded that the exemption will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the *Federal Register*, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2))).

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: September 30, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180 [AMENDED]

Therefore, 40 CFR 180.1001(d) is amended by adding and alphabetically inserting the inert ingredient mixed phytosterols to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Insert ingredients	Limits	Uses
Mixed phytosterols (consisting of campesterol, sitosterol and stigmasterol, with minor amounts of associated plant sterols) derived from edible vegetable oils. Surfactant.	

[FR Doc. 82-27958 Filed 10-12-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180[PP 8F2099, 9F2196, 9F2243, 9F2192,
0F2425, 0F2307, 9F2207, 1F2562, 1F2564/
R422; (PH-FRL 2222-8)]**Tolerances and Exemptions From
Tolerances for Pesticide Chemicals in
or on Raw Agricultural Commodities;
Permethrin****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Final rule.**SUMMARY:** This rule establishes
tolerances for residues of the insecticide
permethrin and its metabolites in or on
certain raw agricultural commodities.
This regulation to establish a maximum
permissible level for residues of the
insecticide in or on the commodities was
requested by ICI Americas, Inc. and
FMC Corporation.**EFFECTIVE DATE:** Effective on October
13, 1982.**ADDRESS:** Written objections may be
submitted to the: Hearing Clerk (A-110);
Environmental Protection Agency, Rm.
3708, 401 M St., SW., Washington, DC
20460.**FOR FURTHER INFORMATION CONTACT:**
Franklin D. R. Gee, Product Manager
(PM) 17, Registration Division (TS-
767C), Office of Pesticide Programs,
Environmental Protection Agency, Rm.
207, CM#2, 1921 Jefferson Davis
Highway, Arlington, VA 22202, (703-
557-2690).**SUPPLEMENTARY INFORMATION:** EPA
issued notices in the *Federal Register*
that ICI Americas, Inc., Concord Pike
and New Murphy Road, Wilmington, DE
19897 and FMC Corporation,
Agricultural Chemical Group, 2000
Market St., Philadelphia, PA 19103 had
filed the following pesticide petitions
proposing establishing tolerances for the
residues of the insecticide permethrin
[(3-phenoxyphenyl)methyl 3-(2,2-
dichloroethenyl)-2,2-dimethyl-
cyclopropanecarboxylate] and its
metabolites 3-(2,2-dichloroethenyl)-2,2-
dimethylcyclopropane carboxylic acid
(DCVA) and (3-phenoxyphenyl)methanol (3-PBA)
calculated as parent in or on plant
commodities; and for residues of
permethrin and its metabolites indicated
above plus 3-phenoxybenzoic acid,
calculated as parent, in or on animal
commodities.**ICI Americas, Inc.**PP 8F2099, published September 25,
1978 (43 FR 43384). Proposed that 40 CFR
180.378 be amended by establishing
tolerances for residues of permethrin
and its metabolites in or on the raw
agricultural commodities celery at 3.0
parts per million (ppm); milk fat at 1.0
ppm; tomatoes at 0.5 ppm; animal fat at
0.5 ppm; soybeans at 0.1 ppm; meat and
meat byproducts of cattle, goats, hogs,
horses, and sheep at 0.1 ppm; poultry at
0.1 ppm; whole milk at 0.05 ppm, and
eggs at 0.05 ppm. A revised Section F
petition was submitted to increase the
proposed tolerances for celery to 5.0
ppm. The petitioner subsequently
withdrew the proposed tolerance on
tomatoes.PP 9F2192, published June 7, 1979 (44
FR 32737). Proposed establishing
tolerances for residues of the insecticide
permethrin and its metabolites in or on
the raw agricultural commodities
cabbage and lettuce at 1.0 ppm. A
revised Section F increased the
proposed tolerances for cabbage to 6.0
ppm and lettuce to 20 ppm.PP 9F2207, published July 20, 1979 (44
FR 42773). Proposed establishing
tolerances for residues of the insecticide
permethrin and its metabolites in or on
the raw agricultural commodities
broccoli and brussels sprouts at 1.0 ppm;
cauliflower at 0.5 ppm; whole milk at 0.1
ppm; fat of cattle, goats, hogs, horses,
and sheep at 2.0 ppm; meat and meat
byproducts of cattle, goats, hogs, horses,
and sheep at 0.2 ppm; in milk fat at 2.0
ppm; sweet corn at 0.1 ppm; and corn
forage and fodder at 115 ppm. A revised
Section F petition was submitted to
increase the level for cauliflower to 1.0
ppm. The petitioner subsequently
withdrew the raw agricultural
commodities sweet corn, corn fodder,
and corn forage from consideration for
the establishment of tolerances.PP 1F2564, published October 19, 1981
(46 FR 51282). Proposed establishing
tolerances for residues of the insecticide
permethrin and its metabolites in or on
the raw agricultural commodities meat
byproducts of hogs at 2.0 ppm, fat of
hogs at 0.5 ppm, milk fat at 0.5 ppm, and
whole milk at 0.05 ppm. A revised
Section F petition was submitted adding
the commodities meat of cattle, horses,
hogs, goats, and sheep at 1.0 ppm; meat
byproducts of cattle, horses, goats, and
sheep at 3.0 ppm; meat byproducts ofhogs at 4.0 ppm (increase in level); fat of
cattle, hogs, goats, and sheep at 5.0 ppm;
fat of horses at 4.0 ppm; meat of poultry
at 0.2 ppm; meat byproducts and fat of
poultry at 1.0 ppm; eggs at 0.1 ppm, and
milk fat at 6.25 ppm reflecting 0.25 ppm
in whole milk. Subsequently, the
petitioner submitted a revised section F
which proposed tolerances for the fat of
cattle, hogs, goats, horses and sheep at
0.5 ppm; meat byproducts of cattle,
goats, horses, and sheep at 0.3 ppm;
meat byproducts of hogs at 1.0 ppm;
meat of cattle, horses, sheep, goats, and
hogs at .05 ppm; poultry fat at .05 ppm;
meat of poultry at .05 ppm; eggs at .05
ppm; milk fat at 1.25 ppm, reflecting .05
in whole milk.PP 0F2307, published February 4, 1980
(45 FR 7622). Proposed establishing a
tolerance for residues of the insecticide
permethrin in or on the raw agricultural
commodity potatoes at 0.05 ppm.**FMC Corporation**PP 9F2196, published June 7, 1979 (44
FR 32737). Proposed establishing
tolerances for residues of the insecticide
permethrin and its metabolites in or on
the raw agricultural commodities
soybeans at 0.1 ppm, poultry at 0.05
ppm, and eggs at 0.05 ppm. A revised
Section F added the commodity eggs at
0.1 ppm and increased the level for
poultry to 0.2 ppm. Also, the petitioner
withdrew the raw agricultural
commodity soybeans.PP 9F2243, published October 5, 1979
(44 FR 57483). Proposed that 40 CFR
180.378 be amended by establishing
tolerances for residues of the insecticide
permethrin and its metabolites in or on
the raw agricultural commodities animal
fat at 2.0 ppm; lettuce at 20.0 ppm; meat
and meat byproducts of cattle, goats,
hogs, horses, and sheep at 0.1 ppm; milk
at 0.2 ppm; and tomatoes at 1.0 ppm. A
revised Section F was submitted which
proposed tolerances for the fat of cattle,
hogs, goats, sheep at 0.5 ppm, poultry fat
at 0.05 ppm; meat of cattle, hogs, horses,
goats, and sheep at .05 ppm; meat
byproducts of cattle, goats, horses, and
sheep at 0.3 ppm; meat byproducts of
hogs at 1.0 ppm; milk fat at 1.25 ppm
reflecting 0.05 ppm in whole milk.PP 0F2425, published December 11,
1980 (45 FR 81650). Proposed that a
tolerance be established for residues of
the permethrin and its metabolites in or
on the raw agricultural commodity pears
at 0.05 ppm.PP 1F2562, published October 19, 1981
(46 FR 51282). Proposed that tolerances
be established for residues of
permethrin and its metabolites in or on
the raw agricultural commodities apples
at 2.0 ppm and cabbage at 6.0 ppm.

No comments were received in response to these notices of filing.

The data submitted and other relevant material have been evaluated. The toxicology data considered in support of the tolerances included: acute oral toxicity studies on rats with median lethal doses (LD₅₀'s) ranging from 1,000 to 8,900 milligrams (mg) of permethrin per kilogram (kg) of body weight (bw); acute dermal toxicity studies on rabbits with LD₅₀'s greater than 2,000 mg/kg; and an acute inhalation toxicity study on rats in which no deaths resulted from exposures as high as 23.5 mg of permethrin per liter (L) of air.

Subchronic feeding studies on rats included four 90-day studies with no-observed-effect levels (NOEL's) ranging from 20 to 2,000 ppm of permethrin in the diet. Subchronic oral studies on dogs included three 90-day studies with NOEL's ranging from 5 to 100 mg of permethrin per kg of bw/day and a 6-month study with a NOEL of 250 mg/kg/day.

Additional studies included metabolism and pharmacokinetic (absorption, distribution, excretion, and tissue retention) studies in rats, dogs, and goats, and special neurotoxicity and behavioral studies on rats.

Four teratology studies on mice, rats, or rabbits at dosage levels up to 400 mg/kg/day showed no potential for permethrin to induce teratogenic effects. Three 3-generation reproduction studies on rats at dosage levels up to 180 mg/kg/day demonstrated no effects on reproductive parameters.

A battery of mutagenicity studies designed to detect gene mutations, chromosomal aberrations, and primary DNA damage were all negative and revealed no potential for permethrin to induce mutagenic changes *in vitro* or *in vivo*.

Three 2-year chronic feeding/oncogenicity studies on rats demonstrated NOEL's for non-oncogenic effects of 5, 10, and less than 25 mg/kg/day, respectively. Effects observed at the lowest effect levels (LEL's) in these studies were increased liver and kidney weights; induction of the liver microsomal drug metabolizing enzyme system; and non-neoplastic histopathological changes in liver and thyroid tissues. Definite evidence of oncogenicity was not observed in any of the long-term rat studies.

Evidence suggests the possibility of an oncogenic effect occurring in the lungs of treated male rats in this study. Sufficient uncertainty regarding the validity of the incidence figures, however, precluded making a scientifically supportable evaluation of the results.

Three usable long-term chronic feeding and/or oncogenicity studies on mice were evaluated. Based on a consideration of the evidence available in these three mice studies, the NOEL for non-oncogenic effects in mice was determined to be 50 mg/kg/day. Effects observed at LEL's were increased liver and kidney weights; induction of the liver microsomal drug metabolizing enzyme system; and histopathological changes in liver and lung tissues. In one mouse study, statistically significant increased incidences of tumors in the lungs and livers of female mice were observed at the high- and mid-dosage levels (750 and 375 mg/kg/day). Lung and liver tumor data in this study were interpreted as presenting evidence of oncogenicity. Suggestive evidence for lung tumors was also observed in the second study in female mice at the high dosage level (250 mg/kg/day). Based on a consideration of the totality of evidence in all the rodent long-term studies, it has been concluded that permethrin induces lung and liver tumors in female mice. (The Agency notes that many scientists have come to believe that lung and liver tumors in mice may for various reasons, be of lesser significance than tumors at other sites for purposes of predicting potential oncogenicity in humans.)

The biological evidence produced by long-term mouse and rat studies, and other toxicological studies leads the EPA to conclude, based on the Agency risk assessment, that the likelihood of oncogenic effects in humans from exposure to low levels of permethrin is non-existent or extremely low. Thus, even if permethrin is a human oncogen (which is unlikely), it is highly unlikely that it would present a significant risk to humans at the levels to which they will be exposed. This conclusion is consistent with that of the FIFRA Scientific Advisory Panel which also concluded that the possibility for oncogenic potential of permethrin in humans is extremely remote.

It is clear that there are significant economic benefits to be derived from the use of permethrin for the uses indicated in this rule. The Agency has concluded that the benefits outweigh any risk that may be posed.

At the time of the establishment of a tolerance for residues of the insecticide permethrin on cotton, FMC Corporation was conducting a second lifetime mouse oncogenicity feeding study; the results of this study were subsequently reviewed by the Agency. Several questions were raised after the completion and review of the mouse study. Subsequently, two additional lifetime chronic feeding/oncogenicity studies were also

submitted to the Agency. An evaluation of all available studies was then conducted. The Agency then concluded that permethrin was an oncogen in mice. Subsequently a difference of opinion arose between Agency and industry toxicologists concerning the oncogenicity potential of permethrin. The FIFRA Scientific Advisory Panel (SAP) was then convened to furnish its views. The SAP concluded that although a low oncogenic potential was present in mice and no oncogenic potential was shown in rats the likelihood of oncogenicity in humans was small. When the SAP opinion was finalized an overview of the Agency position was completed, which adopted the SAP's conclusion in substance.

Further disagreement arose within the Agency regarding the evaluation and interpretation of the data and the final conclusion regarding the oncogenic potential of the chemical. Consequently, the Agency again re-evaluated the oncogenicity issue in order to address these concerns. Scientific findings were prepared and given peer review by scientists within the Office of Pesticide Programs, the Office of Pesticides and Toxic Substances, and by former members of the FIFRA Scientific Advisory Panel. This Federal Register document is based on that re-evaluation and peer review.

The requests for establishment of tolerances for residues of permethrin on the commodities tomatoes, soybeans, corn, and apples will be acted upon separately, because approval of those requests also would require issuance of food additive regulations for permethrin residues in or processed foods under Section 409 of the Federal Food, Drug, and Cosmetic Act, as amended, and because the results of the mouse oncogenicity studies raise questions under the Delaney Clause of Section 409.

A NOEL of 5 mg/kg/day, derived from the most sensitive 2-year rate chronic feeding/oncogenicity study, and a safety factor of 100 were used to calculate the acceptable daily intake (ADI) of 0.05 mg/kg/day. the maximum permissible intake (MPI) for a 60-kg person is 3.00 mg/day.

Granting these tolerances will increase the theoretical maximum residue contribution (TMRC) from 0.035 to 0.6338 mg/day. The percentage of the MPI used will increase from 1.17 percent to 21.13 percent.

The metabolism of permethrin is adequately understood and an adequate analytical method, gas-liquid chromatography with an electron capture detector, is available for enforcement purposes. No actions are

pending against continued registration of permethrin, nor are any other considerations involved in establishing the tolerances.

The tolerances established by amending 40 CFR 180.378 will be adequate to cover secondary residues that would result in eggs, milk, and meat, fat, and meat products of cattle, goats, hogs, horses, poultry and sheep as delineated in 40 CFR 180.6(a)(3).

The pesticide is considered useful for the purpose for which the tolerances are sought; therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the *Federal Register*, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the ground for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

Effective on: October 13, 1982.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: September 30, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180 [AMENDED]

Therefore, 40 CFR 180.378 is revised to read as follows:

§ 180.378 Permethrin; tolerances for residues.

(a) Tolerances are established for residues of the insecticide permethrin [(3-phenoxyphenyl)methyl 3-(2,2-

dichloroethenyl)-2,2-dimethylcyclopropane carboxylate]] in or on the following raw agricultural commodities:

Commodities	Parts per million
Cottonseed.....	0.5

(b) Tolerances are established for residues of the insecticide permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate]] and its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3-PBA) calculated as parent in or on the following raw agricultural commodities:

Commodities	Parts per million
Broccoli.....	1.0
Brussels sprouts.....	1.0
Cabbage.....	6.0
Celery.....	5.0
Cauliflower.....	1.0
Lettuce (head).....	20.0
Pears.....	0.05
Potatoes.....	0.05

(c) Tolerances are established for residues of permethrin and its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3-PBA) and 3-phenoxybenzoic acid all calculated as parent, in or on the following animal commodities:

Commodities	Parts per million
Cattle, fat.....	0.5
Cattle, meat.....	0.05
Cattle, mby.....	0.3
Eggs.....	0.05
Goats, fat.....	0.5
Goats, meat.....	0.05
Goats, mby.....	0.3
Hogs, fat.....	0.5
Hogs, meat.....	0.05
Hogs, mby.....	3.0
Horses, fat.....	0.5
Horses, meat.....	0.05
Horses, mby.....	0.3
Milk fat (reflecting 0.25 ppm in whole milk).....	1.25
Poultry, fat.....	0.05
Poultry, meat.....	0.05
Poultry, mby.....	0.05
Sheep, fat.....	0.5
Sheep, meat.....	0.05
Sheep, mby.....	0.3

[FR Doc. 82-27772 Filed 10-12-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6330

[A-13380; A-13382; A-13436]

Arizona; Revocation of Stock Driveway Withdrawals

Correction

In FR Doc 82-24771, appearing on page 39682, on Thursday, September 9, 1982, make the following corrections:

1. In the third column, under T. 7 N., R. 2E., in the third line "E½NE¼SE¼," should read "E½NE¼SW¼,"; in the fourth line "N½NW¼, SW¼," should read "N½NW¼SW¼,".

2. Further down in the same column, in the entry for Sec. 32, in the fourth line "NW¼NW¼N½SW¼NW¼," should read "NW¼NW¼, N½SW¼NW¼,".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-134; RM-3467; RM-4112; RM-4113]

TV Broadcast Station in Honolulu and Kailua-Kona, Hawaii; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns VHF Television Channel 5 to Honolulu, Hawaii, in response to requests by Lee M. Holmes and Fred Livingston; and VHF Television Channel 6 to Kailua-Kona, Hawaii, in response to a request by Mauna Kea Broadcasting Company. Separate proposals to assign Channel 5 to Wailuku, Maui, or to assign Channel 6 to Kahului, Maui, were denied.

DATE: Effective December 6, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order

(Proceeding Terminated)

Adopted: September 24, 1982.

¹ This community has been added to the caption.

Released: October 7, 1982.

1. The Notice of Proposed Rule Making in this proceeding, 47 FR 11903, published March 19, 1982, proposed to assign VHF Television Channel 5 to Honolulu (Oahu), Hawaii, in response to a petition by Lee M. Holmes ("petitioner").²

2. Comments herein were filed by petitioner; by Fred Livingston ("Livingston"), a resident of Honolulu; and by Lee Enterprises, Incorporated ("Lee"), licensee of Television Station KGMB, Channel 9, Honolulu. In addition, comments and counterproposals were filed by Mauna Kea Broadcasting Company ("Mauna Kea"), permittee of Television Station KSHO, Channel 26, Honolulu; and by Mid-Pacific Television Associates ("Mid-Pacific"), licensee of Television Station KIKU, Channel 13, Honolulu.

3. The counterproposal of Mid-Pacific seeks to assign Channel 5 to Wailuku (Maui) and Channel 6 to Honolulu (Oahu). Mauna Kea counter-proposed the assignment of Channel 5 to Kailua-Kona (Hawaii) and Channel 6 to Kahului (Maui).³

4. Reply comments were filed by petitioner and by Hawaiian Islands Public Radio, Inc. ("Radio"), licensee of noncommercial educational FM Station KHPR, Channel 201, Honolulu.

5. Mauna Kea filed a motion for acceptance of its late-filed reply comments. It shows as good cause the fact that the date which we specified for filing reply comments on the Mid-Pacific counterproposal, May 14, 1982, had already passed when our Public Notice of the same was released on May 17, 1982. Mauna Kea has shown good cause, and its reply comments are accepted.

6. The threshold question before us is which of the proposals herein would provide the most fair, efficient and equitable distribution of television service in the State of Hawaii (§ 307(b) of the Communications Act of 1934, as amended).

Communities Involved

7. The State of Hawaii is composed of a number of islands. Proposals before us are for service on three of the islands, i.e., Oahu, Maui and Hawaii. Specifically, the proposals are for the communities of Honolulu on Oahu, Wailuku or Kahului on Maui and Kailua-Kona on Hawaii. Of the three islands,

Oahu is the northernmost; Maui is to the southeast of Oahu; and Hawaii is to the southeast of Maui.

8. Honolulu is on the southeast coast of Oahu. The City and County of Honolulu are the business and governmental centers for the State. The 1980 population for Honolulu (U.S. Census, Advance Report) is 762,874. Honolulu has eight commercial television channel assignments consisting of four VHF and four UHF channels as follows:

VHF

Channel 2 KHON-TV (NBC Affiliate)
Channel 4 KITV (ABC Affiliate)
Channel 9 KGMB (CBS Affiliate)
Channel 13 KIKU-TV (Independent)

UHF

Channel 14 CP—Pacific RIM Broadcasting Company
Channel 20 KHAI-TV (CP)—MediaCentral Inc.
Channel 26 KSHO (CP)—Mauna Kea Broadcasting Company
Channel 32 Vacant

and three noncommercial educational assignments:

Channel *11 KHET
Channel *38 Vacant
Channel *44 Vacant

9. Wailuku (1970 population 7,979),⁴ the seat of Maui County (1980 population 70,847), is located on the northeast coast of Maui Island, 145 kilometers (90 miles) southeast of Honolulu. Wailuku has five commercial television channels consisting of three VHF and two UHF as follows:

VHF

Channel 3 KGMV
Channel 7 KAIL-TV
Channel 12 KMAU

UHF

Channel 15 Vacant
Channel 21 Vacant

and one noncommercial educational station:

Channel *10 KMEB

and two other noncommercial educational channels (Channel *27 and Channel *33) are vacant.

10. Kahului (1970 population 8,280) is in Maui County on Maui Island, 8 kilometers (5 miles) east of Wailuku. There are no commercial television channels assigned to Kahului. With their proximity, Wailuku and Kahului are considered to be the same market. Pursuant to the fifteen-mile rule,

§ 73.607(b), assignments in Wailuku could be used in Kahului.

11. Kailua-Kona (1970 U.S. Census population 365) in Hawaii County (1980 U.S. Census, Advance Report, population 92,053), is located on the west coast of Hawaii Island, 270 Kilometers (168 miles) southeast of Honolulu. There are no commercial television channel assignments in Kailua-Kona.

Comments

12. Petitioner contends that Channel 5 should be assigned to Honolulu because it is a rapid-growth center and "a strong television market in need of additional VHF service." Petitioner states that while there has been growth in virtually all of the islands making up Hawaii, by far the largest growth over the past 20 years has been in the city and county of Honolulu. Petitioner states that the population has increased from 505,000 in 1962 to 770,000 in 1980 and is projected to exceed 800,000 within three years. Petitioner points out that the entire island of Oahu comprises the city and county of Honolulu and that the next largest island in population is Hawaii, which has less than 100,000, growing by only 30,000 during the past 20 years. Petitioner also states that among the 305 national metropolitan areas, Honolulu was 24th in per-household retail sales, 28th in drugstore sales, 30th in general merchandise store sales, 35th in apparel and accessory store sales and 48th in total retail sales. Petitioner concludes that this economy will support the addition of another VHF television station.

13. Livingston also supports the assignment of Channel 5 to Honolulu. He states that the population of Oahu, on which Honolulu is located, has grown to 753,700 and represents 80 percent of the population of the State of Hawaii. Livingston states that this population is currently served by only four commercial VHF stations. Livingston further states that the television revenues of Honolulu stations have more than tripled between 1967 and 1977. He declares that "[w]hile some licensees [and permittees] of Honolulu stations have opposed the issuance of the subject Notice, no public interest justification—as opposed to the private interests of the licensees in limiting competition—has been given for refusing to make the requested assignment." Livingston concludes that the Honolulu market is healthy and growing and deserves an additional VHF channel. He states that he plans to file an application for operation on the channel if it is assigned to Honolulu.

² By a previous Report and Order, released October 2, 1981, the Commission reallocated bands 76–88 MHz (VHF Television Channels 5 and 6) from the Common Carrier Rural Radio Service to the Broadcast Services in the State of Hawaii (General Docket No. 80–710), 87 F.C.C. 2d 962 (1981).

³ Public Notice of the counterproposals was given on May 17, 1982, Report No. 1352.

⁴ County population figures are taken from the 1980 U.S. Census, Advance Report. City population figures are taken from the 1970 U.S. Census (most recent available).

14. Lee opposes the assignment of VHF channel 5 or 6 to Honolulu. It contends that "there are still two vacant UHF facilities available for the asking by any qualified applicant," i.e., Channels 14 and 32.⁵ Lee contends that Honolulu already has more operating stations than other markets of comparable size, e.g., Springfield, Massachusetts; Huntsville-Decatur-Florence, Alabama; and Lincoln-Hastings-Kearney, Nebraska, none of which has four operating stations. Lee further contends that the assignment of VHF Channel 5 or 6 to Honolulu would have a crippling effect on UHF development there. Lee reasons that there is a possibility of four additional stations—all UHF—going on the air in Honolulu, but that the addition of a fifth VHF station to the market could effectively doom that possibility.

Comments and Counterproposals

15. Mid-Pacific (licensee of Television Station KIKU, VHF Channel 13, Honolulu) comments that while "it takes no position at this time with respect to the economic necessity for an additional television channel in Honolulu, Hawaii, it does recognize the fact that, based upon precedence, the Commission is unlikely to refuse to allot an additional channel to Honolulu on the ground of potential economic duress." Mid-Pacific continues that it therefore offers an alternative plan which would provide a greater degree of spectral efficiency. Mid-Pacific's counterproposal is to assign Channel 5 to Wailuku on the Island of Maui and Channel 6 to Honolulu with the concomitant relicensing of FM Station KHPR, Honolulu, for operation on Channel 218 instead of 201.

16. The proposal would enable Mid-Pacific to operate a satellite of its Honolulu Station KIKU-TV on the Island of Maui to serve the northeastern ("Windward") side of Oahu as well as Maui. Mid-Pacific states that "the effect of this assignment would allow it to extend its independent television service to the outer islands in a manner identical to the three commercial networks and the noncommercial educational television station in Honolulu."

17. Mid-Pacific proposes the change in frequency of FM Station KHPR because operation on Channel 218 may be expected to cause less interference to reception of Channel 6 signals and because the interference between a noncommercial educational FM station and a Channel 6 television station

located in the same community would be less than if they were located at a distance from each other. Mid-Pacific states that a Channel 6 transmitter could be located at the KHPR site and serve not only Honolulu but also a substantial portion of the windward side of Oahu. Mid-Pacific would reimburse Station KHPR for all costs of the change to Channel 218.

18. Mauna Kea opposes the assignment of Channel 5 to Honolulu and makes a counterproposal to assign Channel 5 to Kailua-Kona on the Island of Hawaii and Channel 6 to Kahului on the Island of Maui. Mauna Kea points out that neither Kailua-Kona nor the western half of the Island of Hawaii has "a single television assignment." As of April 1980, the population of Kailua-Kona is reported to be 18,662, and the population of the entire Kona coast from Kohala to Kau on the southern tip is reported to be 31,217, a 60 percent increase from 1977.⁶ Mauna Kea states that the Kona coast does not receive Grade A television service from any existing station. Reasons given are the rugged terrain with mountains over 13,000 feet above sea level between Kona and Hilo, Hawaii, and the substantial distances from Kona to Oahu and Maui. Kailua-Kona is said to be the center of commerce on the western side of the Island of Hawaii.

19. Mauna Kea's counterproposal to assign Channel 6 to Kahului on the Island of Maui is based primarily on there being only four VHF television assignments on the entire Island, one of which is a noncommercial educational assignment. Mauna Kea states that there is no non-network programming available on the Island and that significant new service would be provided to a large population.

20. Mauna Kea states that it would apply for authorization to operate on both channels (for Kailua-Kona and for Kahului), if assigned as proposed.

21. Mauna Kea opposes the assignment of Channel 5 to Honolulu on the grounds that it already has eight commercial television assignments and that assignment of another VHF channel "would, in all likelihood, halt UHF development in Honolulu." Mauna Kea is the permittee for operation on UHF Channel 26 in Honolulu. It states that it has substantially completed its construction and plans to commence operation soon. However, if Channel 5 were assigned to Honolulu, Mauna Kea states that it would have to give serious consideration to filing an application for modification of its construction permit

to Channel 5. Mauna Kea declares that one of the facts of life in television broadcasting is that no matter how good the signal of a UHF station, it always competes at a substantial disadvantage with VHF stations in the same market.

22. Mauna Kea concedes that its arguments and contentions with respect to UHF impact have been summarily and arbitrarily rejected in the *Notice of Proposed Rule Making* in this proceeding. The rejection, Mauna Kea states, simply cited the *Carroll* and *Sanders* cases⁷ and stated that UHF impact is a matter more appropriately considered at the application stage as an economic impact issue. Mauna Kea contends that the situation herein is unique and unlike the ordinary situation in which the same statement is made, the Commission has often considered UHF impact in the context of rule making proceedings.

Reply Comments

23. Petitioner states that "without exception" the entities opposing the assignment of Channel 5 to Honolulu are existing licensees of television broadcast stations in Honolulu claiming that an additional assignment there would cause increased competition to all television broadcast stations in that market. Petitioner contends that the argument of adverse impact on UHF stations is a transparent one; that it is made in an attempt to insulate against further VHF competition; and that no substantive showing has been made that the requested assignment would either reverse or hinder UHF development as alleged. Petitioner declares that "[o]pen, robust competition providing increased viewing options to the American consumer is a Commission policy objective for the broadcast services." With respect to the assignment of Channel 6 to Honolulu, petitioner shows by an engineering affidavit that changing FM Station KHPR to Channel 218 would not guarantee interference-free operation.

24. Petitioner also charges that the proposal to add Channel 5 to the Honolulu market would not preclude Mid-Pacific from obtaining a satellite or translator station to serve Maui and the windward side of Oahu with other available channels. Petitioner sees no reason why Channel 5 is uniquely suited to serve those markets.

25. KHPR opposes a change in its FM channel from 201 to 218 as proposed by Mid-Pacific. KHPR states that "[w]hile

⁵ A permit for Channel 14 was recently granted to Pacific RIM Broadcasting Company.

⁶ According to the Hawaii County Research and Development Department.

⁷ *Carroll Broadcasting Company v. F.C.C.* 258 F. 2d 440 (D.C. Cir. 1958); *F.C.C. v. Sanders Brothers*, 309 U.S. 470 (1940).

Mid-Pacific states its willingness to reimburse KHPR for the costs of converting its channel, there is intangible, unquantifiable damage associated with a substantial change in channel and FM dial position and in public identification which can never be measured, much less recovered, in economic terms." KHPR states that Mid-Pacific has failed to advance any public interest justification for the drastic impact on KHPR of a channel change and that all Mid-Pacific has advanced are its private interests in obtaining some level of parity with other Honolulu stations in regard to satellite operations in Maui. KHPR declares that there are numerous UHF television channels available for assignment to Maui to provide satellite service.

26. Mauna Kea opposes the Mid-Pacific request to assign Channel 6 to Honolulu and Channel 5 to Wailuku. Both assignments would conflict with Mauna Kea's proposal to assign Channel 6 to Kahului because of co-channel and adjacent channel mileage separation requirements. Mauna Kea also opposes the Mid-Pacific counterproposal because of interference from FM stations to the reception of signals of Channel 6.

Conclusions

27. Each of the two channels newly available to the State of Hawaii, VHF channels 5 and 6, can be used at only one of the proposed locations because of mileage separation requirements. The greatest distance between any of the proposed communities is 168 miles. A separation of 190 miles is required for co-channel assignments. The assignment of one channel to the community considered to be the most deserving would leave the other channel available to one other community.

28. We conclude that the most fair, efficient and equitable distribution of service is the assignment of one of the channels to Kailua-Kona on the Island of Hawaii. A top priority in the assignment of channels is the providing of a first local service. There are no television channel assignments in Kailua-Kona or the western half of the Island of Hawaii. A channel would provide the first local outlet of expression for a substantial number of people. Grade A television service is not now provided to the community or area by any existing station.

29. Of the three remaining communities, Kahului, Wailuku and Honolulu, Kahului has no television channel assignments. However, Kahului is located only five miles east of Wailuku, and the two are to be considered as one market. Wailuku has

five commercial television channels assigned, three of which are VHF and two of which are UHF. Assignments in Wailuku could be used in Kahului in accordance with our fifteen-mile rule, § 73.607(b). Since UHF Channels 15 and 21 are vacant at Wailuku, either of these channels can be applied for use at Kahului to provide a first local service there.

30. Thus, the assignment of the remaining channel is a matter of whether the public interest would be better served by the proposal for Wailuku on the Island of Maui or the proposal for Honolulu on the Island of Oahu. We have chosen Channel 5 for comparative consideration since Channel 6 would cause interference problems to noncommercial educational stations on Honolulu as we concluded in the Notice.

31. Mauna Kea proposed the assignment of Channel 5 to Kailua-Kona. However, Channel 6 will be assigned instead because it meets all spacing requirements and would present no FM interference problems since there are no noncommercial FM stations in the vicinity as would be the case in Oahu or Maui.

32. Mid-Pacific proposes the use of Channel 5 in Wailuku as a satellite of its Station KIKU-TV in Honolulu. Such satellite operation would be for the expressed purpose of parity with other Honolulu stations operating satellite stations there. It would not, therefore, be serving as a local outlet of expression. As stressed by KHPR and Mauna Kea, other channels are available for such satellite operation.

33. A basic consideration, however, is the comparison of television channels already assigned to Wailuku and Honolulu. Five commercial television channels are assigned to Wailuku, 3 VHF and 2 UHF. Eight commercial television channels are assigned to Honolulu, 4 VHF and 4 UHF. The population of Wailuku is 7,979 and the population of Maui County (including Kahului) is 70,807. The population of the city and county of Honolulu is 753,700. Honolulu, with a record of rapid growth, is the business and governmental center of the State of Hawaii. Thus, while Wailuku has fewer channel assignments than Honolulu, it has substantially less population to be served. A sixth commercial assignment for Wailuku would amount to one channel per 11,801 people. A ninth commercial assignment for Honolulu would amount to one channel per 83,744 people. We conclude that a fifth VHF and a ninth commercial channel for Honolulu represents a more equitable and efficient distribution of

channels than a fourth VHF and a sixth commercial channel for Wailuku.

34. Allegations have been made that assignment of another VHF channel to Honolulu would reverse or retard UHF development there. No substantive showing has been made to support the allegations. The allegations are speculative at best. We are not persuaded from our finding in the Notice of Proposed Rule Making herein that the matter of UHF impact is more appropriately considered at the application stage as an economic impact, or *Carroll* issue. We believe that the record is insufficient to support a finding that the fostering of UHF development would be denigrated under the unique circumstances of this case where for the first time in recent years the Commission has the ready opportunity to make a VHF assignment without significant technical restrictions, in a major market.⁸

35. Authority for the adoption of the amendment herein is contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 and § 0.204(b) of the Commission's Rules.

36. Accordingly, it is ordered, That effective December 6, 1982, § 73.606(b) of the Commission's Rules, the TV Table of Assignments, is amended with regard to the following communities:

City	Channel No.
Honolulu (Oahu), Hawaii.....	2+, 4-, 5, 9-, *11+, 13-, 14, 20, 26, 32, *38, and *44.
Kailua-Kona (Hawaii), Hawaii...	6.

37. It is further ordered, That the counterproposal of Mid-Pacific is denied.

38. It is further ordered, That the counterproposal of Mauna Kea is denied in part and granted to the extent that Kailua-Kona has been assigned a TV channel herein.

39. It is further ordered, That this proceeding is terminated.

40. For further information concerning the above, contact Phil Cross, Broadcast Bureau, (202) 632-5414.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

⁸ Lee requested that § 73.603(b) and § 21.60(c) of our Rules be amended to reflect the assignment of Channels 5 and 6 to Hawaii. Lee contends that absent those revisions adequate notice has not been given to potentially interested parties. §§ 73.603(b) and 21.60(c) were so amended by *Report and Order* in Docket No. 80-710, released October 2, 1981, and published in the *Federal Register* on October 13, 1981 (46 FR 50372).

Federal Communications Commission.
Martin Blumenthal,
Assistant Chief, Policy and Rules Division,
Broadcast Bureau.

[FR. Doc. 82-28078 Filed 10-12-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-322; RM-3722; RM-3935]

FM Broadcast Stations in Cocksackie and Rotterdam, New York; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein denies a petition for reconsideration filed by Catskill Communications, Inc., since no new information was advanced to merit altering our previous action assigning FM Channel 252A to Rotterdam, New York.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Memorandum Opinion and Order

(Proceeding Terminated)

Adopted: September 23, 1982.

Released: October 6, 1982.

1. Before the Commission is a petition for reconsideration of the Commission's Report and Order, 46 FR 58690, published December 3, 1981, assigning FM Channel 252A to Rotterdam, New York, as that community's first local aural service. The petition, filed by Catskill Communications, Inc. ("Catskill")¹ seeks the mutually exclusive assignment of Channel 252A to Cocksackie, New York, instead. An opposition to the petition was filed by John D. Flanders ("Flanders"), the Rotterdam proponent. No reply was submitted.

2. The major contention on reconsideration is that Rotterdam is part of the Albany-Schenectady-Troy market and as such the proposed station would not be a truly local service to Rotterdam. On the other hand, Catskill states that Cocksackie is further away from these large communities and is in greater need of local service. Catskill asserts in this regard that its geographic location

approximately 20 miles from Albany (as opposed to Rotterdam's location 10 miles therefrom) deprives it of access to signals outside of the community. Comparatively, it states that Rotterdam's close proximity to Albany, Schenectady and Troy, enables it to receive a multiplicity of signals.

3. Further, Catskill urges that our population criteria be "refined" to consider a community's adjacency to a larger market and the degree of service received therefrom. In such a situation where competing proposals are involved, it advocates that preference should be given to providing a first local service to the smaller community if it is further removed from such a market.

4. As a final matter, Catskill refers to the statements from community leaders that were mentioned in its proposal, as evidencing support for and need of a local service in Cocksackie.

5. In opposition comments, Flanders notes that each of the communities involved receive reception service from at least five area stations. According to a staff engineering study, one of these stations (WRVW, Hudson, New York) is only seven miles from Cocksackie, and four additional ones place a 60 dBu or greater signal over the community. As such, Flanders concludes that no preference should be based on this factor.

6. As to the issue of local service, we noted that even though Rotterdam is located within the Albany/Schenectady/Troy S.M.S.A., this does not negate the fact that it has its own distinct needs which can only be adequately served by its own local aural facility. As we have consistently held, no station owing a primary obligation to another locality is expected to provide the equivalent of such local service. See, *Clinton, Louisiana*, 45 R.R. 2d 1587-88 (1979). Therefore, the signals received in Rotterdam from stations licensed in other communities cannot be considered as substitutes for local service and reception of these signals does not provide a basis for denying the assignment herein. See, *Redmond, Oregon*, 51 R.R. 2d 255 at 257 (1982).

7. With respect to Catskill's argument regarding our assignment criteria, the priority utilized herein, preference to the larger community, provided a clear choice where no real difference could be found among the other factors traditionally used. Those factors include the number of reception services and the location of each station with respect to other communities. In effect, Catskill is arguing that we should place greater weight on the location factor than on the relative sizes of the communities. Catskill cites no authority for its

position. As we view the relative locations, we find Cocksackie as close enough to the Albany area that it can receive the same five Albany/Troy stations as are received in Rotterdam. While we recognize that Rotterdam is somewhat closer to Albany (11 miles) than is Cocksackie (20 miles) that difference is not substantial enough to shift the balance particularly where there is such a large difference in population (Rotterdam 29,451; Cocksackie 2,786 (1980 U.S. Census, Advance Report)). We previously stated that the number of reception services accessible to each community did not provide a basis for selection. Since Catskill provided no new information we still are of the view that the difference in the populations of the two communities compels us to favor Rotterdam. Therefore, we reaffirm our previous decision assigning Channel 252A to Rotterdam, New York.²

8. Accordingly, in view of the above, it is ordered, That the petition for reconsideration filed by Catskill Communications, Inc., is denied.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended; 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-28077 Filed 10-12-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 21001-198]

Pacific Coast Groundfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of experimental fishing permit.

SUMMARY: This notice announces issuance of an experimental fishing permit which allows one U.S. vessel to use set nets to harvest groundfish in the

¹ Catskill is the licensee of Station WCKL (AM), Catskill, New York.

² There is currently one application pending for use of Channel 252A at Rotterdam from the Women's Coalition for Better Broadcasting (File No. 820811AO).

fishery conservation zone (3-200 nautical miles offshore) off the coast of Washington, Oregon, and California. This permit allows an experimental fishery which otherwise would be prohibited by Federal regulations. This action is provided for in the Pacific Groundfish Management Plan and implementing regulations.

EFFECTIVE DATE: October 1, 1982.

ADDRESS: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, at 206-527-6150.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Pacific Coast Groundfish (FMP) was approved on January 4, 1982. Regulations were proposed on February 10, 1982 (47 FR 6043), and became final on September 30, 1982 (47 FR 43964). The FMP and implementing regulations specify that experimental fishing permits (EFPs) may be issued to authorize fishing by U.S. vessels which otherwise would be prohibited. The FMP and its implementing regulations prohibit use of set nets to harvest groundfish north of 38° N. latitude. The procedures for issuance of EFPs appear in the final regulations at 50 CFR 663.10.

AN EFP application to harvest groundfish with set nets in the fishery conservation zone (FCZ) was received by the Northwest Regional Director, National Marine Fisheries Service (Director) on February 28, 1982. This application was determined to be complete according to the specifications in 50 CFR 663.10(b). A notice of receipt of the EFP application and a request for public comment was published in the *Federal Register* on April 16, 1982 (47 FR 16357). Consultations with the Pacific Fishery Management Council (Council), its Groundfish Management Team, and the Directors of the Washington, Oregon, and California fishery management agencies were held during the Council's May meeting in Portland, Oregon.

Comments and Responses

Comments received, including those made in the consultation process, are addressed below:

1. *Comment:* The Council recommended denial of this permit based on the demonstrated efficiency of set nets in catching salmon that are known to be present in the FCZ, lack of information on other incidentally caught species; the 1957 informal consensus reached between the United States and

Canada to ban net fishing for salmon in the ocean, the ability of nets to fish indefinitely if lost or unattended, and the considerable history of conflict between mobile and fixed gears when they occur together. Similar concerns were raised by the International Pacific Halibut Commission and the Canadian Government.

Response: After extensive deliberation, the Director determined there is insufficient evidence of adverse effects on incidental species or probability of gear loss or conflicts to justify preventing this experimental fishery from operating. Issuance of the EFP will be accompanied by terms and conditions that will allow data to be obtained under closely supervised conditions that will provide a quantifiable basis for evaluating whether set netting is an acceptable method of catching groundfish.

The size of this experimental fishery and the experience of the applicant indicate that incidental catches will not be high and salmon interception will be minimal. The terms of the EFP will require a closely observed and controlled operation.

An observer will be placed on board the vessel to document catches, gear conflicts, loss of gear, compliance with terms and conditions of permit, and other relevant information. Comprehensive logbooks will be completed by the vessel captain. Nets will be modified with biodegradable twine so that lost nets will not fish indefinitely. Nets will not be left in the water when the vessel leaves the fishing grounds.

2. *Comment:* Although the Council's Groundfish Management Team (GMT) also opposed issuance of the EFP, it submitted recommendations for permit conditions at the Director's request.

Response: The recommendations adopted include: no season, area, or depth restrictions; net markings, catch restrictions, and prohibited species provisions consistent with the final regulations at 50 CFR Part 663; use of biodegradable twine connecting the webbing to the cork line; no nets left unattended when the vessel leaves the fishing grounds; an observer on board the fishing vessel; and detailed reporting requirements. The GMT saw little benefit in requiring an experimental test net with multiple mesh sizes fished at various depths, as the Director had considered earlier.

The recommendations not adopted are: season, area, and depth restrictions; allowing the permit to be effective one year from the date of issuance; limiting the number of individual nets; and

requiring lengths of salmon and halibut caught to be reported. Due to the controversial nature of this permit, it will be issued only for the remainder of calendar year 1982. The maximum total length of all nets used is specified. Biological and other data will be logged by a National Marine Fisheries Service observer or by the permittee.

Description of EFP

The experimental fishing will be conducted under the provisions of the Magnuson Fishery Conservation and Management Act, 50 CFR Part 663, and the following conditions and restrictions.

(1) *Vessel.* One vessel, the *Jenny L*, 55 G.R.T., Documentation Number 550 896, is authorized to operate under this permit.

(2) *Species and amounts.* Landing limits and prohibited species provisions of 50 CFR Part 663 apply.

(3) *Area.* The authorized area is the FCZ off Washington, Oregon, and California, including the area north of 38°00' N. latitude.

(4) *Season.* The authorized season begins with the effective date of this EFP and ends no later than midnight, December 31, 1982.

(5) *Gear.* Set nets totaling no more than 400 fathoms in length and no more than 25 meshes deep, with minimum mesh size of six inches, will be used. Nets must be clearly marked, and must be removed from the fishing grounds when the permitted vessel ends each fishing trip. Nets will be modified with biodegradable twine that will connect the nets to their cork lines.

(6) *Reporting requirements.* Fishing information including catch, effort, location, species composition of each set, catch of birds or marine mammals, loss of net, place of delivery, economic information, and other relevant data must be maintained and submitted to the Director.

(7) *Observer.* An observer will be on board the vessel.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing.

Dated: October 7, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-28142 Filed 10-7-82; 4:24 pm]

BILLING CODE 3510-22-M

50 CFR Part 663

[Docket No. 21001-199]

Pacific Coast Groundfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of experimental fishing permit.

SUMMARY: This notice announces issuance of experimental fishing permits that allow the harvest of 1,000 metric tons of shortbelly rockfish and by-catch for delivery to a foreign processing vessel by four vessels of the United States using pelagic trawls in the fishery conservation zone (3-200 nautical miles offshore) off Washington, Oregon, and California as far south as 36° 38' N. latitude. Additional tonnage not to exceed the 10,000 mt optimum yield may be delivered to shore-based processors, but the same 10 percent by-catch limitation would apply. This permit allows an experimental fishery which otherwise would be prohibited by Federal regulation. This action is provided for in the Pacific Groundfish Fishery Management Plan and implementing regulations.

EFFECTIVE DATE: October 1, 1982.

ADDRESS: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT:

H. A. Larkins at 206-527-6140.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Pacific Coast Groundfish (FMP), was approved on January 4, 1982. Regulations were proposed on February 10, 1982 (47 FR 6043), and became final on September 30, 1982. (47 FR 43964). The FMP and implementing regulations specify that experimental fishing permits (EFPs) may be issued to authorize fishing by U.S. vessels which otherwise would be prohibited. The procedures for issuance of EFPs appear in the final regulations for the FMP at 50 CFR 663.10.

An EFP application, on behalf of four domestic fishing vessels, to harvest shortbelly rockfish with pelagic trawl gear was received by the Director of the Northwest Region of the National Marine Fisheries Service (Director) on June 28, 1982. This application was determined to be complete according to the specifications in 50 CFR 663.10(b). Additional information was requested and received from the applicant. A notice of receipt of the EFP application and a request for public comment was published in the *Federal Register* on August 9, 1982 (47 FR 34439).

Consultations with the Pacific Fishery Management Council (Council), its Groundfish Management Team, and the Washington, California, and Oregon fisheries management agencies, were held during the Council's meeting on July 14-15, 1982, in El Segundo, California.

An additional consultation was held with the California Department of Fish and Game of September 20, 1982, to review the specific terms and conditions of the EFP. The California representative indicated that the terms and conditions are acceptable.

This EFP application was submitted in conjunction with an application to amend a foreign fishing permit to allow Soviet processing vessels to receive 1,000 metric tons (mt) of U.S.-harvested shortbelly rockfish, plus by-catch, in the Columbia, Eureka, and Monterey subareas of the fishery conservation zone (FCZ). Because the U.S. vessels listed in the EFP application would deliver their catches to foreign processors if the EFP were granted, confirmation was needed of the amount of shortbelly rockfish available for joint venture processing (JVP).

Results of a mid-season survey of the U.S. fishing industry's needs for the rest of the year indicate that domestic annual processing (DAP) of shortbelly rockfish is less than initially anticipated in 1982, and that 1,000 mt of the 10,000 mt specified for domestic annual harvest (DAH) is available for JVP. The final determination of JVP was published on September 1, 1982 (47 FR 38543).

Under Section 307(3) of the Magnuson fishery Conservation and Management Act (Magnuson Act), it is unlawful for a U.S. vessel to transfer U.S.-harvested fish to any foreign fishing vessel in the FCZ unless the foreign vessel has been issued a permit authorizing receipt of the species concerned. The Secretary, acting under Section 204(b)(6) of the Magnuson Act, approved on September 29, 1982, issuance of an amended foreign fishing permit allowing a Soviet vessel to receive no more than 1,000 mt of shortbelly rockfish during the remainder of 1982.

The FMP and implementing regulations (47 FR 43964; October 5, 1982) prohibit use of liners on pelagic trawl gear. The purpose of this regulation is to allow escapement of undersized target species and small incidental fish taken in 3-inch mesh pelagic trawls. The EFP application requests use of 1.5 inch mesh liners inside the 3-inch mesh codend of the pelagic trawl, because shortbelly rockfish are small, elongate, and tend to gill in larger mesh. Gilled fish are difficult to untangle and, because they often are mangled, are of

lower food quality. The EFP suspends 50 CFR 663.26(b)(4), as that paragraph would apply to the subject domestic vessels, and allows the use of double-walled codends in pelagic trawls used by the permittees.

Pacific whiting in the species most likely to be harvested incidental to the proposed shortbelly rockfish experimental fishery. However, whiting has been underutilized in recent years, and the Director believes that shortbelly rockfish can be caught selectively to that incidental interceptions are not substantial. The amount of juvenile whiting likely to be intercepted in the proposed fishery is inconsequential relative to the year-class strength of these fish. The applicant has requested that this experimental fishery be conducted in the autumn, when small whiting will be less available off California.

Major fisheries conducted off central California in the autumn include the harvest of squid, herring, sablefish, jack mackerel, and bocaccio and chilipepper rockfishes. Salmon fisheries in the area have substantially concluded at that time.

Comments and Responses

The Director received one letter specific to this EFP application during the public comment period that ended August 24, 1982. Two letters were received by the Council and the Administrator of the National Oceanic and Atmospheric Administration (Administrator) and their comments are responded to here. The latter two letters do not specifically comment on the EFP application, but were generally related to the foreign involvement in the proposed joint venture operation. The Council's recommendations also are summarized below.

1. *Comment:* The letter to the Director raised the following issues: some processors believe that domestic companies should have the opportunity to sell their product in the world market; incidental catches should be scrutinized in light of the current concerns with the strength of the widow rockfish resources; the potential increased effort on the shortbelly rockfish resource resulting from displacement of vessels from other fisheries (e.g., widow rockfish) should be considered; the likelihood of other domestic fishermen being permitted to fish for shortbelly rockfish with EFPs was questioned; and the time required to issue an EFP was viewed as preventing domestic fishermen from satisfying the demand resulting from diminished supply of other rockfish species.

Response: Historically, domestic processing of this species has been slight and has not approached the 10,000 mt OY for shortbelly rockfish.

Previously, no regulation issued by NMFS has prevented exploitation or production of this species nor its sale on the world market. This experimental fishing permit does not restrict domestic fishermen from delivering to shore-based processors. Widow rockfish are not likely to be a significant by-catch in this experimental fishery. Additional applications for EFPs to harvest shortbelly rockfish would be considered on their merit in a timely manner.

Incidental catches of widow rockfish taken in this fishery are expected to be small, since shortbelly rockfish can be harvested fairly selectively. The incidental catch limit of 100 mt of other groundfish is designed to reveal the catch composition of incidentally caught species, and is so small that it should not stress any stock significantly. Any management measures imposed under the FMP also apply to participants in this experimental fishery unless specifically exempted.

There is no sure way of estimating the impact that displacement from other fisheries will have on effort in the shortbelly rockfish fishery. Since the interest of domestic processors seems quite limited, the total domestic harvest is not expected to exceed the DAH estimate for 1982. Shortbelly rockfish are small, bony, and difficult to fillet, and generally are not considered a comparable substitute for widow rockfish.

Although approval of other EFP applications cannot be assured until an application has been received and reviewed by the public, the Council, and responsible government agencies, there is no intention to discourage other applicants from requesting EFPs for shortbelly rockfish at this time. This EFP does not restrict delivery to foreign processors, but also allows shore-side delivery if by-catch restrictions and certain data requirements are met.

The delay between receipt of an EFP application and issuance of a permit is intended to allow thorough public review of the proposed fishery.

2. Comment: Several issues critical of the proposed joint venture were raised in a letter to the Administrator and also during public testimony at the Council's July meeting in El Segundo. The relevant concerns include: hesitancy to allow joint venture fisheries on shortbelly rockfish that may be a major food source for salmon; the current or anticipated ability of shore-based processors to use all available shortbelly rockfish; uncertainty in the

amounts of shortbelly rockfish available for harvest and which nonetheless should be exploited only by domestic fleets; preclusion of world markets that U.S. processors would like to enter.

Response: The OY, the amount of shortbelly rockfish that may be landed in 1982, is 10,000 mt. Natural mortality, and thus the needs of other species preying on shortbelly rockfish, are considered in the determination of OY. The OY is surplus to these needs. The amount designated for JVP, one-tenth of the OY, is not expected to have noticeable impact on any stock of fish. The inseason survey of domestic shore-based processors revealed an intent to process no more than 9,000 mt of shortbelly rockfish in 1982. This is considerably more than has been processed in past years.

The OY of 10,000 mt has been set considerably below the estimate of maximum sustainable yield (MSY) of 44,250 mt to compensate for uncertainties in stock assessment. U.S. fishermen delivering to foreign processors are a part of the domestic fleet and would benefit by issuance of this EFP. There is insufficient justification for discriminating between U.S. fishermen solely based on differences in market.

The market for the product resulting from this joint venture is entirely in the Soviet Union and thus does not conflict with anticipated markets of domestic producers.

3. Comment: The letter to the Council recommended both disapproval of the US-USSR joint venture for shortbelly rockfish and an immediate moratorium on any joint venture operation in the territorial waters and FCZ off Washington, Oregon, and California.

Response: No reasons for the above recommendations were given and therefore could not be a part of the Director's deliberations. Joint venture operations involving foreign vessels never have been allowed in State territorial waters (0-3 nautical miles offshore). Foreign processing of U.S.-harvested fish, authorized under the Magnuson Act, is allowed only on those fish surplus to the needs of domestic processors and within limits designed to sustain the OY from a fishery. Approved joint ventures are considered to have greater benefits than costs to the domestic fishing industry.

4. Comment: The Council recommended approval of the EFP and amended foreign fishing permits with the following restrictions: the fishery would be limited to 1982; the catch would be limited to 1,000 mt, including a maximum of 100 mt incidental catch; the foreign processors would be required to

have a U.S. observer aboard; the U.S. trawlers would be required to maintain and provide logbook data; the southern limit of the fishery would be at Monterey Bay; a liner with a minimum mesh size of 1.5 inches would be permitted with the 3-inch mesh codends used in the Pacific whiting fishery.

Response: The recommendations of the Council were formulated after consultation with State and Federal fishery management agencies, including the U.S. Coast Guard and Department of State, after hearing public testimony and additional remarks from the applicant, and after receiving recommendations from the Council's Scientific and Statistical Committee, Foreign Fishing Committee, Groundfish Management Team, and Groundfish Advisory Subpanel. The Council's recommendations were adopted.

Description of the EFP

The experimental fishery will be conducted under the provisions of the Magnuson Act, 50 CFR Part 663, and the following terms and conditions.

(1) **Vessels.** Four U.S. trawl vessels will be permitted to operate under this EFP. They are: *Hazel Lorraine*, *Colintino*, *Rose*, *New Janet Anne*, and *Leslie Lee*.

(2) **Species and amounts.** Landing limits and prohibited species provisions of 50 CFR Part 663 apply, except that no more than 1,000 mt of shortbelly rockfish, including by-catch, may be delivered to a foreign processor. If shortbelly rockfish are delivered to shore-based processors, the 10 percent by-catch limitation will apply, as will the OY limitation in the regulations.

(3) **Area.** The authorized area is the FCZ, north of 36° 38' N. latitude and south of the U.S.-Canada border.

(4) **Season.** The authorized season begins with the effective date of the EFP and ends no later than midnight December 31, 1982.

(5) **Gear.** Pelagic trawl gear authorized under 50 CFR Part 663 must be used, except the provisions for double-walled codends at § 663.26(b)(4) are waived. Double-walled codends may be used if the mesh size of the liner is 1.5 inches, stretched when wet.

(6) **Reporting requirements.** Fishing information including catch, effort, location, and species composition of each haul, place of delivery, economic information, and other relevant data must be maintained and submitted to NMFS.

(7) **Prohibition.** All fish caught under this EFP and delivered to a foreign processing vessel must be delivered to a foreign processing vessel which has been issued a foreign fishing permit to

receive U.S.-harvested shortbelly rockfish. Nothing in this EFP precludes delivery to shore-based processors.

(8) Domestic fishermen may be required to take U.S. observers aboard when fishing under this EFP, if such observation is considered necessary by the Regional Director.

(16 U.S.C. 1801 et seq.)

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing.

Dated: October 7, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries.

[PR Doc. 82-28144 Filed 10-7-82; 4:39 pm]

BILLING CODE 3510-22-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 16

Restrictions on Importation of Meat From Australia

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends Subpart A of Part 16 of 7 CFR to include Australia. This rule is promulgated pursuant to Section 204 of the Agricultural Act of 1956 and limits the importation into the United States of certain meats from Australia during calendar year 1982.

EFFECTIVE DATE: October 13, 1982. See supplementary information.

FOR FURTHER INFORMATION CONTACT:

Bryant Wadsworth (FAS), (202) 447-8031, Dairy, Livestock and Poultry Division, FAS, USDA, Room 6616 South Building, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and Executive Order 11539, as amended, the Office of the United States Trade Representative has negotiated an agreement with the Government of Australia whereby that

country has voluntarily agreed to a limitation on the quantity of certain meats exported from it to the United States during calendar year 1982. The Secretary of Agriculture, with the concurrence of the Secretary of State and the United States Trade Representative, is authorized to issue regulations to carry out such agreement and to request the Commissioner of Customs to implement such action. The concurrence of the Secretary of State and the United States Trade Representative has been obtained for the issuance of these regulations.

The definition of meat in the regulations encompasses the Tariff Schedules of the United States (TSUS) items which are the subject of the voluntary agreement. In order to prevent circumvention of the import limitations, the definition also includes meat that would fall within such definition but for processing in Foreign-Trade Zones, territories, or possessions of the United States. In addition, transshipment restrictions are imposed which prevent the entry or withdrawal from warehouse for consumption of meat from Australia unless exported from that country as direct shipments or on through bills of lading or, if processed in Foreign-Trade Zones, territories, or possessions of the United States, shipped as direct shipments or on through bills of lading from such areas.

Effective Date

Meat released under the provisions of Sections 448(b) and 484(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1448(b) (immediate delivery), and 19 U.S.C. 1484(a)(1)(A) (entry)), prior to October 13, 1982 shall not be denied entry.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore, this regulation falls within the foreign affairs exception of Executive Order 12291 and the notice, public participation and effective date provisions of 5 U.S.C. 553. Further, the provisions of the Regulatory Flexibility Act do not apply to this rule since the notice of proposed rulemaking provisions of 5 U.S.C. 553 do not apply.

List of Subjects in 7 CFR Part 16

Meat and meat products, Imports.

PART 16—[AMENDED]

Accordingly, Subpart A of Part 16 of Title 7 of the Code of Federal Regulations is amended as follows:

1. Section 16.4 is revised to read as follows:

§ 16.4 Transshipment restrictions.

No meat of New Zealand or Australian origin may be entered or withdrawn from warehouse for consumption in the United States unless (a) it is exported into the Customs Territory of the United States as a direct shipment or on a through bill of lading from the country of origin or, (b) if processed in Foreign-Trade Zones, territories or possessions of the United States, it is exported into the Customs Territory of the United States as a direct shipment or on a through bill of lading from the Foreign-Trade Zone, territory or possession of the United States in which it was processed.

2. Section 16.5 is revised by adding a new paragraph (b) so that the section reads as follows:

§ 16.5 Quantitative restrictions.

(a) *Imports from New Zealand.* During calendar year 1982, no more than 340.0 million pounds of meat exported from New Zealand in the form in which it would fall within the definition of meat in TSUS 106.10, 106.22, 106.25, 107.55, or 107.62 may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly from New Zealand to the United States.

(b) *Imports from Australia.* During calendar year 1982, no more than 676.9 million pounds of meat exported from Australia in the form in which it would fall within the definition of meat in TSUS 106.10, 106.22, 106.25, 107.55, or 107.62 may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly from Australia to the United States.

(Sec. 204, Pub. L. 540, 84th Cong. 70 Stat. 200, as amended (7 U.S.C. 1854), and Executive Order 11539 (35 FR 10733), as amended by Executive Order 12188 (45 FR 989))

Issued at Washington, D.C., this 8th day of October, 1982.

Richard E. Lyng,
Acting Secretary.

[FR Doc. 82-28343 Filed 10-12-82; 10:58 am]

BILLING CODE 3410-01-M

Proposed Rules

Federal Register

Vol. 47, No. 198

Wednesday, October 13, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 967

Celery Grown in Florida; Hearing on Proposed Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of hearing on proposed rule.

SUMMARY: Notice is hereby given of a public hearing to be held to consider a proposed amendment of the marketing agreement and order for celery grown in Florida. The proposal was submitted by the Florida Celery Committee, the industry group responsible for local administration of the program. The principal change proposed is to authorize changes in the number of producer and handler members serving on the committee.

DATE: The hearing is scheduled for November 1, 1982, at 9:00 a.m.

ADDRESS: The hearing will be held in the auditorium of the Florida Fruit and Vegetable Association building, 4401 East Colonial Drive, Orlando, Florida 32814.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-2615.

SUPPLEMENTARY INFORMATION: This notice is exempt from the requirements set forth in E.O. 12291 and has been classified as nonmajor in accordance with USDA guidelines. The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

The public hearing is for the purpose of:

(a) Receiving evidence about the economic and marketing conditions which relate to the proposed amendment and the program it would be effective under.

(b) Determining whether there is a need for an amendment to the Florida celery marketing agreement and order.

(c) Determining whether the proposed amendment or an appropriate modification of it will tend to effectuate the declared policy of the act.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This proposed action relates to industry representation on the marketing order administrative committee and to the voting procedures of that committee, and will not affect costs for the handlers regulated under the program.

List of Subjects in 7 CFR Part 967

Marketing agreements and orders, Celery, Florida.

PART 967—CELERY GROWN IN FLORIDA

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposal No. 1

Add a new paragraph (b) to § 967.25 to read:

§ 967.25 Establishment and membership.

(b) The Secretary, upon the recommendation of the committee, may reestablish the number of producer or handler members on the committee. In recommending any such change, the committee shall give consideration to the total number of growers and handlers in the production area during the current or previous season, and other relevant factors. A change in the number of committee members can become effective at any time, provided, the effective date is more than 30 days prior to the date on which nominations are held.

Proposal No. 2

Amend § 967.27 by revising paragraph (a).

§ 967.27 Nominations.

(a) Growers in each group, as established in paragraph (d) or as reestablished pursuant to paragraph (g) of this section, may nominate persons for each member and alternate position in their respective group.

Proposal No. 3

Add a new paragraph (g) to § 967.27 to read:

(g) The Secretary, upon recommendation of the committee, may reestablish groups and may reapportion committee membership among the various groups. In recommending such changes, the committee shall give consideration to (1) changes in the relative positions of existing groups with respect to celery production and shipments; (2) changes in the numbers of producers and handlers in each group; and (3) other relevant factors. A change in the establishment of groups or in apportionment of members among groups can become effective at any time, provided, the effective date is more than 30 days prior to the date on which nominations are held.

Proposal No. 4

Revise paragraph (a) of § 967.29 to read:

§ 967.29 Procedure.

(a) At an assembled meeting, all votes shall be cast in person, and a simple majority of committee members (including alternates acting for absent members) shall constitute a quorum. Decisions of the committee shall require the concurring vote of a majority of the members and alternates in attendance and entitled to vote.

Proposal No. 5

Make such changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from Anne M. Dec. Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, or from William C. Knope, Lakeland Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 9, Lakeland, Florida 33802, phone (813) 683-5983.

From the time this hearing notice is issued and until the issuance of a final

decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Fruit and Vegetable Division, Agricultural Marketing Service

Procedural matters are not subject to the above prohibition and may be discussed at any time.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Signed at Washington, D.C., on October 5, 1982.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 82-28120 Filed 10-12-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

Recovery of Alaska Natural Gas Transportation System Charges

[Docket No. RM81-21-000]

October 4, 1982.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations to establish a cost-recovery mechanism for the shippers of Alaska natural gas through the Alaska Natural Gas Transportation System (ANGTS). These proposed sections would establish the terms and conditions for a permanent tariff provision whereby a shipper could flow-through to its jurisdictional customers the jurisdictional portion of changes in its ANGTS charges by means of periodic rate adjustment filings less comprehensive than general rate change filings under section 4(e) of the Natural Gas Act. Such a flow-through arrangement is often referred to as "tracking". The proposed sections would also establish the terms and conditions for shipper tracking of charges from the Canadian segment of the ANGTS and of charges incurred prior to the flow of gas through the ANGTS. The Commission is

issuing this Notice of Proposed Rulemaking after considering the "Alaskan Delegate's Report to the Commission on Shipper Tracking of Alaska Natural Gas Transportation System Charges". The Alaskan Delegate's Report was made available to the public on September 17, 1982. Copies of this report may be obtained from the Commission's Division of Public Information.

DATES: Initial comments must be submitted to the Secretary of the Commission by December 3, 1982. Reply comments must be submitted to the Secretary of the Commission by January 17, 1983.

ADDRESSES: All comments should refer to Docket No. RM81-21-000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Susan J. Court, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 8601, Washington, D.C. 20426, (202) 357-8033.

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I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations to establish procedures by which a shipper of Alaska natural gas may recover from its jurisdictional customers certain charges incurred by the shipper for the use of the Alaska Natural Gas Transportation System (ANGTS). Specifically, the Commission proposes to amend Part 154 of its regulations by adding §§ 154.201 through 154.213. These proposed sections would establish the terms and conditions for a permanent tariff provision that a shipper could propose in order to adjust its rates semiannually to "track" or flow-through to its jurisdictional customers the jurisdictional portion of changes in its ANGTS charges.

Under current Commission regulations, a shipper would be required to make a general rate change filing under section 4(e) of the Natural Gas Act every time the shipper wanted to adjust its rates to reflect any changes in

its ANGTS charges. Tracking such changes through a permanent tariff provision would enable a shipper to adjust its rates by means of a filing less comprehensive than a section 4(e) general rate change filing. As a prerequisite to tracking, however, a shipper would be required to file a section 4(e) general rate change to establish a Base Tariff Rate, subject to periodic review, to which the tracking adjustments would be made. A shipper would also be required every three years to make an election whether to continue the recovery of changes in its ANGTS charges through tracking filings or to recover such changes through general rate change filings. An election to discontinue tracking would be subject to Commission approval.

The Commission also proposes in this rulemaking to establish the procedures by which a shipper may adjust its rates to recover ANGTS charges incurred before the actual delivery of Alaska natural gas, if any, to the extent that such charges are approved by the Commission and the National Energy Board of Canada and to the extent that recovery of Canadian ANGTS charges is not inconsistent with the President's *Waiver*.

The Commission is issuing this Notice of Proposed Rulemaking after considering the "Report of the Alaskan Delegate to the Commission on Shipper Tracking of Alaska Natural Gas Transportation System Charges". The Alaskan Delegate's Report recommends that the Commission authorize shipper tracking, subject to certain conditions. The Commission believes that the institution of a rulemaking on shipper tracking would be in the public interest in order to facilitate the completion of the Alaska Natural Gas Transportation System.

The Commission makes these proposals in accordance with its authority under the Natural Gas Act, as amended (15 U.S.C. 717-717w), as supplemented by the Alaska Natural Gas Transportation Act (15 U.S.C. 719-719o) and the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System* (Executive Office of the President, Energy Policy and Planning, September 1977), approved by Joint Resolution of Congress, H.R.J. Res. 621, Pub. L. 95-158, 91 Stat. 1268 (1977), and as modified by the President's *Findings and Proposed Waiver of Law* (October 15, 1981), approved by Joint Resolution of Congress, S.J. Res. 115, Pub. L. 97-93, 95 Stat. 1204 (1981).

II. Background

A. Alaska Natural Gas Transportation System

The Alaska Natural Gas Transportation System is an international project designed to transport natural gas from the North Slope of Alaska, through Canada, to the contiguous 48 states of the United States. The American portion of the ANGTS will ultimately consist of four segments: (1) The gas conditioning plant at Prudhoe Bay on the North Slope of Alaska, (2) the Alaskan pipeline, running from Prudhoe Bay to the Alaska/Yukon Territory border, (3) the Western Leg, running from the British Columbia/Idaho border to California, and (4) the Eastern Leg, running from the Saskatchewan/Montana border to Illinois. The Canadian portion of the ANGTS will ultimately run from the Alaska/Yukon Territory border through the Yukon Territory into British Columbia and Alberta where it will bifurcate, with one leg extending to the British Columbia/Idaho border and the other leg extending to the Saskatchewan/Montana border. At such time as the ANGTS is completed, it will extend approximately 4,787 miles.

The ANGTS is unlike any other gas pipeline system in the United States because it is governed by a unique legal framework. The Alaska Natural Gas Transportation Act (ANGTA),² enacted by Congress in 1976, supplements (but does not replace) the Natural Gas Act (NGA).³ The Commission issues certificates for the ANGTS under the NGA pursuant to procedures mandated by ANGTA.

In enacting ANGTA, Congress found that because of the large reserves of natural gas in Alaska⁴ expeditious construction of a viable natural gas transportation system for delivery of Alaska natural gas to United States markets would be in the national interest.⁵ Congress reaffirmed the national commitment to construct the ANGTS in a Concurrent Resolution adopted on June 27, 1980.⁶

¹ In Canada, the ANGTS is known as the "Alaska Highway" project. Although broken into several sections by provincial boundaries and ownership, the Canadian portion is considered a single segment for the purposes of this proposed rulemaking.

² 15 U.S.C. 719-719o.

³ 15 U.S.C. 717-717w.

⁴ It is estimated that the Prudhoe Bay field on Alaska's North Slope contains over 26 trillion cubic feet of saleable natural gas, which represents approximately 10 percent of the known reserves in the United States.

⁵ See 15 U.S.C. 719.

⁶ S. Con. Res. 104, 96th Cong., 2d Sess. (1980).

Under section 7 of ANGTA,⁷ President Carter submitted to Congress his *Decision and Report to Congress on the Alaska Natural Gas Transportation System* (President's *Decision*)⁸ in September 1977. Congress approved the President's *Decision* by Joint Resolution which became law on November 8, 1977.⁹ The President's *Decision* designated the route for the ANGTS, conditions for its construction, and the project sponsors, i.e., the owners and operators, for the Alaskan pipeline segment, the Western Leg and the Eastern Leg.¹⁰ The President's *Decision* also mandated that the ANGTS, be privately financed.

Under section 8 of ANGTA,¹¹ President Reagan submitted to Congress his *Findings and Proposed Waiver of Law* (President's *Waiver*)¹² in October 1981. Congress approved the President's *Waiver* by Joint Resolution which became law on December 15, 1981.¹³ The President proposed the *Waiver* to "clear away governmental obstacles to proceeding with private financing of this important project."¹⁴ In general, the President's *Waiver* set aside parts of the President's *Decision*, the Energy Policy and Conservation Act,¹⁵ and the NGA.

The ANGTS is also governed by two international agreements with Canada, both of which have the force and effect of law in the United States. The "Agreement Between the Government of the United States of America and the Government of Canada Concerning Transit Pipelines" ("Transit Pipeline Treaty" or "Treaty"),¹⁶ entered in force October 1, 1977 after ratification by the Senate, applies to, and mandates nondiscriminatory treatment of, all pipelines in both countries whenever one country's pipelines carry the other country's gas or oil.

The "Agreement Between the United States of America and Canada on

⁷ 15 U.S.C. 719e.

⁸ Executive Office of the President, Energy Policy and Planning (September 1977).

⁹ H.R.J. Res. 621, Pub. L. 95-158, 91 Stat. 1268 (1977).

¹⁰ The Northern Pipeline Act of 1978, 26-27 Eliz. II, c.20, designated the project sponsors for the Canadian segments of the ANGTS.

¹¹ 15 U.S.C. 719f.

¹² Reprinted in H.R. Rep. No. 350, 97th Cong., 1st Sess. 25 (1981).

¹³ S.J. Res. 115, Pub. L. 97-93, 95 Stat. 1204 (1981). Pub. L. 97-93 was challenged in the United States Court of Appeals for the D.C. Circuit, which dismissed the complaint on April 20, 1982. *Metzenbaum v. F.E.R.C.*, No. 82-1097 (D.C. Cir. April 20, 1982).

¹⁴ Message from the President Accompanying Findings and Proposed Waiver of Law, reprinted in H.R. Rep. No. 350 (Part 2), 97th Cong., 1st Sess. 30 (1981).

¹⁵ 42 U.S.C. 6201-6422.

¹⁶ 28 U.S.T. 7449, T.I.A.S. No. 8720.

Principles Applicable to a Northern Natural Gas Pipeline" ("Agreement on Principles" or "Agreement"), signed by representatives of the two governments on September 20, 1977, is an executive agreement that was made part of the President's *Decision* and thereby has the legal status of a statute. The Agreement on Principles specifies the route of the ANGTS and contains numerous conditions. Pursuant to the Agreement on Principles, the Commission has consulted with the National Energy Board of Canada (NEB)¹⁷ in coordinating the respective certification of the various ANGTS segments in the United States and Canada, including authorization of related imports of Canadian natural gas to support the "prebuilding" of the lower half of the system.¹⁸

One other element in the unique legal framework of the ANGTS is Reorganization Plan No. 1 of 1979, which was submitted by the President to the Congress and not disapproved by the Congress. The plan establishes the Office of the Federal Inspector, which reports directly to the President. The Inspector is responsible for monitoring the construction of the ANGTS, and for coordinating the issuance of permits and certificates for the ANGTS by all Federal agencies. The plan transfers to the Inspector the Commission's jurisdiction under sections 3 and 7 of the NGA to enforce, during the construction and initial operation of the ANGTS, the Commission's certificates and import authorizations issued to the project sponsors.

B. ANGTS Shipper Tracking

In addition to its unique legal framework, the ANGTS is also different from most other gas pipelines because its sponsors will not necessarily be the buyers and sellers of the gas transported through it. Shippers will buy the gas at the Prudhoe Bay field from producers, have gas conditioned for transportation at the project sponsors' gas conditioning plant at Prudhoe Bay, ship the gas through the sponsors' pipeline, and sell the gas somewhere at the other end.

This arrangement involves two categories of tariffs. The project sponsors will have tariffs authorizing

charges to the shippers for the conditioning of the gas for transmission, and for the transportation of the gas through the pipeline. The shippers in turn will have tariffs authorizing rates applicable to gas sales to their respective customers. These rates will, among other things, reimburse the shippers for the gas conditioning charges and the transportation charges paid by the shippers to the project sponsors, as well as reimburse the shippers for the charges for gas paid to the producers.

For example, if a shipper buys gas at Prudhoe Bay for sale in Michigan, that shipper would incur separate charges billed by the respective project sponsors of the Alaska gas conditioning plant segment, the Alaskan pipeline segment, the Canadian pipeline segment, and the Eastern Leg. Combined, these charges would constitute the shipper's ANGTS charges. To recover these charges, the shipper would need to adjust its own rates, subject to the Commission's determination that they were "just and reasonable" under section 4 of the NGA.

A shipper could propose to adjust its rates from time to time to reflect changes in its ANGTS charges by making comprehensive, general rate change filings under section 4(e) of the NGA. Such proceedings would involve a detailed examination of not only the amount of ANGTS charges, but also each element of a shipper's cost-of-service. The result of the proceeding would be the establishment of "just and reasonable" rates which would be designed to recover the company's full cost-of-service, including a reasonable rate of return.

Alternatively, a shipper could request approval of a tariff provision which would permit the shipper to adjust its rates to flow through its ANGTS charges to its customers by means of less comprehensive, periodic filings. In such filings, the Commission's review would extend to the matters essential to permit a finding that the adjusted rates were "just and reasonable". Such a "flow-through" arrangement is often referred to as "tracking".

1. *Permanent Tariff Provisions for ANGTS Shipper Tracking.* The issue of ANGTS shipper tracking was first raised in an ANGTS proceeding by a motion filed by two of the project sponsors on April 18, 1979 in Docket No. RM78-12.¹⁹

¹⁹ Docket No. RM78-12 included, among other things, a Notice of Proposed Rulemaking, which led to the issuance of Order Nos. 31 and 31-B. Order No. 31, "Order Setting Values for Incentive rate of Return, Establishing Inflation Adjustment and Change in Scope Procedures, and Determining Applicable Tariff Provisions," Docket No. RM78-12 (issued June 8, 1979), 44 Fed. Reg. 45781 (August 3,

In that motion, the project sponsors requested that the Commission provide for inclusion in Docket No. RM78-12 of issues relating to shipper recovery of all amounts paid to them. The Commission denied the motion but indicated that parties could comment on the tracking issue and that shippers could file *pro forma* tariffs.²⁰ Accordingly, parties filed comments, but no shipper filed a *pro forma* tariff.

In the same docket, the Commission subsequently issued Order No. 31,²¹ in which it stated that it was in basic agreement that any amounts paid to the project sponsors by a shipper under a Commission-approved tariff could be included in that shipper's rates. However, the Commission deferred consideration of a specific mechanism for such cost recovery to a later time. Of major concern to the Commission was that any mechanism devised in the future should assure a matching of costs and revenues over time to prevent any overcollection or undercollection of a shipper's own fixed costs.

The Commission again considered the subject of shipper tracking in its *Northern Border* orders,²² which certificated the "prebuild" portion of the Eastern Leg and approved conditional tariffs for shippers who intended to use the prebuild pipeline for the transportation of Canadian natural gas. In these orders, the Commission resolved certain issues for shipper tracking of "pre-build" charges and set forth certain requirements for the "pre-build" shippers' final tariff tracking provisions. The Commission recognized that the recovery of charges associated with transportation of Alaska natural gas through the entire ANGTS, *i.e.*, ANGTS shipper tracking, might necessitate a different resolution of the issues and different tracking requirements. To that end, the Commission directed its Alaska Delegate²³ to prepare a report to

1979); "Order No. 31-B on Rehearing," Docket No. RM78-12 (issued September 6, 1979).

²⁰ "Order Denying Motion for Reconsideration," Docket No. RM78-12 (issued April 27, 1979).

²¹ Order No. 31, *supra* note 19.

²² "Findings and Order Issuing Certificates of Public Convenience and Necessity and Authorizing the Importation of Natural Gas," Docket No. CP78-123, *et al.* (issued April 28, 1980), 11 FERC ¶ 61,088; "Order Granting Applications for Rehearing in Part," Docket No. CP78-123, *et al.* (issued June 20, 1980), 11 FERC ¶ 61,302. These orders were affirmed in an unpublished *per curiam* decision of the U.S. Court of Appeals for the D.C. Circuit, *General Services Customer Groups v. FERC*, No. 80-1803 (D.C. Cir. 1980). These orders are commonly known as the Northern Border orders because the project sponsor designated for the Eastern Leg is Northern Border Pipeline Company.

²³ The Alaskan Delegate is the member of the Commission's staff responsible for the coordination

¹⁷ The NEB is the Canadian counterpart to the Commission. The NEB was established by the National Energy Board Act, Can. Rev. Stat. c. N-6 (1970).

¹⁸ "Prebuilding" refers to the construction of portions of the Eastern Leg and Western Leg, as well as portions of the Canadian pipeline segment, prior to the construction of the Alaskan pipeline segment and the Alaska gas conditioning plant segment, *i.e.*, prior to the completion of the ANGTS as a single entity. The prebuilt sections transport Canadian gas into the contiguous 48-states.

examine the issues involved in the Commission's authorization of shipper tracking of ANGTS charges.²⁴

The Alaskan Delegate recently submitted his Report, which recommends that the Commission promulgate regulations authorizing ANGTS shipper tracking by means of a permanent tariff provision.²⁵ After considering the Report's recommendation, which is examined in detail throughout the remaining parts of this preamble, the Commission is issuing this Notice of Proposed Rulemaking. Before examining the considerations supporting the Report's recommendation, however, the Commission makes the following observations.

The Commission believes that the authorization of tracking is within its statutory authority. Because tracking is a ratemaking device, the Commission can authorize it under sections 4 and 5 of the NGA, which set forth the Commission's authority to establish just and reasonable rates. In exercising this authority, "the Commission is not bound to the use of any single formula or combination of formulae in determining rates." * * * Under the statutory standard of 'just and reasonable' it is the result reached not the method employed which is controlling." *F.P.C. v. Hope Natural Gas Co.*, 320 U.S. 591, 602 (1944). Moreover, the Commission believes that it has the discretion to authorize shipper tracking of ANGTS charges by way of a generic rulemaking. In the past, the Commission has authorized through other rulemaking proceedings the tracking of other types of costs, such as purchased gas costs,²⁶ and Research, Development and Demonstration costs.²⁷

In promulgating the initial rule authorizing tracking of purchased gas costs (PGA rule), the Commission stated:

In the absence of tracking authority it is likely that general rate increase applications by pipeline companies would [be] more frequent. It is desirable to curb the frequency of general rate increase applications because of resulting administrative delays in the final determination of rates for all companies. The

inclusion of a PGA clause in pipeline companies' tariffs would permit pipeline companies to protect themselves against supplier rate increases without frequent general rate increase applications, would make purchased gas adjustments available to all pipeline companies, and would make adjustments available for more than a temporary period of time.²⁸

The Commission believes equally compelling reasons may exist for the promulgation of regulations authorizing ANGTS shipper tracking. The Commission further commented in the initial PGA rule:

The ratepayer is protected under [the PGA rule] since it requires companies to automatically reduce rates to reflect purchased gas cost decreases and provides for periodic review and investigation into the companies' total cost of service.²⁹

The Commission also believes that safeguards, which would adequately protect the interest of the ratepayers, can be developed for ANGTS shipper tracking.

The Commission recognizes that ANGTS shipper tracking, if authorized along the lines of the Alaskan Delegate's Report, would be a significant departure from the Commission's general policy, which has been, and continues to be, the disallowance of long-term authority to flow-through, or "track," third-party transportation charges. Under § 154.38(d)(3) of the Commission's current regulations, a shipper could not track its ANGTS charges by means of a permanent tariff provision, but would be limited to recovering its ANGTS charges through a section 4(e) general rate change filing. In the past, the Commission has authorized tracking of transportation charges only on a temporary basis, specifically through settlement of general rate change proceedings, by which tracking has been limited to the time the rates established in those proceedings remain in effect.³⁰

However, the unprecedented scale and cost of the ANGTS, as well as its unique international character and legal framework, combine to pose unique problems requiring unique solutions. The Commission has thoroughly reviewed the recommendations made in the Alaskan Delegate's Report and has concluded that the considerations supporting tracking, as described in the Report and summarized below, justify the Commission's proposing a rule that would permit a shipper to track ANGTS charges through a permanent tariff provision. The Commission stresses,

however, that the proposed rule is not intended to serve as a precedent in any non-ANGTS proceeding.

2. Considerations Supporting ANGTS Shipper Tracking. In light of the unique character of the ANGTS, there are at least three major considerations that would support the Commission's authorization of shipper tracking. First, tracking would provide incentives to shippers to use the ANGTS. Second, tracking would likely improve the availability and terms of financing for the ANGTS. Third, Canadian Government authorities have found tracking to be essential to the financing of the Canadian segments of the ANGTS. These considerations are discussed in the Alaskan delegate's Report³¹ and are summarized below.

a. Incentives to the Shippers. As stated in the Report, because ANGTS charges may represent a relatively large portion of a shipper's cash flow, prompt recovery of these charges would be a critical incentive to a shipper to use the system. Furthermore, greater use of the ANGTS would result in lower unit transportation costs for gas shipped in the system, and would encourage further development of gas reserves in the North Slope producing region. Therefore, a mechanism to assure prompt recovery of ANGTS charges would provide an incentive to shippers to use the ANGTS, thereby lowering unit transportation costs and encouraging further development of the North Slope gas reserves.

As noted in the Report, tracking is a mechanism which would assure prompt recovery of ANGTS charges, as well as reduce "regulatory risk," in at least two ways. First, tracking would allow a shipper to flow through its ANGTS charges in its rates essentially automatically in a manner similar to the flow-through of its purchased gas costs. Also, because the cost of ANGTS gas will have a large transportation component, a larger proportion of these costs would be at issue in rate proceedings than for other sources of gas supply, creating more "regulatory risk." Tracking would remove the ANGTS transportation charges from the realm of section 4 general rate change proceedings.

Second, tracking would permit a more automatic rate adjustment in the event of a gas service interruption. The Report accompanying the President's *Decision* contemplated that consumers would continue to pay most ANGTS charges, particularly those associated with debt

of the collection of information relevant to Commission decisions on the ANGTS.

²⁴ See April 28, 1980 Northern Border order, *supra* note 22, at 61, 181 and *mimeo.* at 112.

²⁵ The Alaskan Delegate's Report, as a staff recommendation, was made available to the public on September 17, 1982. It is part of the public file in this docket and is available for inspection during normal business hours at the Commission's Division of Public Information. At this time, the Commission is neither adopting nor rejecting the findings and recommendations in this Report.

²⁶ See 18 CFR 154.38(d)(4).

²⁷ See 18 CFR 154.38(d)(5).

²⁸ 47 FPC 1049, 1050 (1972).

²⁹ *Id.* at 1050-51.

³⁰ See, e.g., "Order Denying Rehearing", *See Robin Pipeline Company*, Docket No. RP82-32-000 (issued March 29, 1982), 18 FERC ¶ 61,277 (1982).

³¹ See Alaskan Delegate's Report at I-7 through I-23.

service, if gas service were interrupted.³² Implementing this policy would require rapid rate changes, which are more likely to be achieved in times of interrupted service by means of a tracking mechanism than by a general rate change proceeding.

b. *Impact on Financing.* As noted in the Alaskan Delegate's Report, the ANGTS for the most part will be "project financed," i.e., the financing for the project will be supported by the revenues generated by the project.³³ The generation of such revenues will come from the charges paid by the shippers under their ANGTS tariffs. Therefore, if the shippers are unable to meet their obligations to the project sponsors for ANGTS charges in all circumstances, then the tariff mechanism may not provide adequate credit support to qualify for project financing. The authorization of tracking could be viewed by the lenders as broadening the base of credit support for the project to include the shippers' customers. Authorizing tracking could improve the perceived quality of credit support, and hence the availability and terms of financing. This would be in the public interest because, particularly in the early years of the project, interest charges could represent as much as 60 percent of the ANGTS charges and a regulatory device which would reduce these interest charges would result in lower consumer costs.

c. *Financing of Canadian Segments.* The Report posits that tracking is crucial to the success of the Canadian segment of the ANGTS. As the Report notes, prospective lenders to the Canadian pipeline segment will want to be assured that the revenue stream to be provided by payments of Canadian ANGTS charges will not be affected by the status of relations between the U.S. and Canada. In fact, Canada's National Energy Board stated that tracking was the only viable alternative for cost recovery that would enable the Northern Canadian segment to be financed.³⁴

3. *Commission's Authority to Permit Tracking of Canadian ANGTS Charges.* Unlike ANGTS charges from U.S. project sponsors, which will result from tariffs approved by the Commission, ANGTS charges from Canadian project sponsors will result from tariffs approved by the NEB. The Commission

recognizes that in *Pacific Gas Transmission Co. v. FPC*, 536 F.2d 393 (D.C. Cir. 1976), *cert. denied*, 429 U.S. 999 (1976), the Court stated that to permit automatic flow-through (in a cost-of-service tariff) of increases in the cost of natural gas purchased in Canada "would be an abdication of the Commission's statutory duty." *Id.* at 396. That statement was made, however, in the context of affirming a Commission order, pursuant to a proceeding initiated by the Commission under section 5 of the Natural Gas Act, requiring a pipeline to seek Commission approval for rate increases reflecting increases in the price of Canadian gas. In that case, Canada had changed its determination of its export price for gas from a cost-based method to one based on market principles. The NEB's determinations with respect to approval of tariff charges for transportation through the Canadian segment of the ANGTS, however, will be governed by the just and reasonable standard mandated by the National Energy Board Act.³⁵ That standard is comparable to, and derived from the same source as, the just and reasonable standard mandated by the Natural Gas Act.³⁶

In addition, as discussed earlier in this preamble and at greater length in the Alaskan Delegate's Report,³⁷ the NEB's determinations with respect to the Canadian segment tariffs are governed by two international agreements. The Transit Pipeline Treaty recognizes Canada's sovereign prerogative to regulate pipelines within its national territory, and mandates non-discriminatory treatment for transportation of U.S. hydrocarbons through such pipelines. Article IV of the Treaty specifically provides that all rates, tolls, tariffs and financial regulations relating to transit pipelines—

*** Shall be just and reasonable, and shall always, under substantially similar circumstances with respect to all hydrocarbons transmitted in similar pipelines, other than intra-provincial and intra-state pipelines, be applied equally to all persons and in the same manner.

The Agreement of Principles implements the Treaty with respect to the ANGTS, and establishes specific procedures for regulatory and government level consultations.³⁸

Therefore, the Canadian segment transportation charges must be approved by a duly constituted regulatory agency in Canada, pursuant to Canadian legislation mandating regulatory standards comparable to the Commission's, and within the parameters of international agreements mandating non-discriminatory treatment. The Commission believes that under the international law principle of comity it has ample legal authority to accept the determinations of its sister sovereign counterpart in Canada, and to authorize the tracking of Canadian segment transportation charges approved by the NEB, as costs prudently incurred by the shippers, without conducting its own independent review of those charges, in the manner provided in the proposed rule.

In addition, by allowing NEB-approved Canadian segment transportation charges to be tracked in a comparable manner as Commission-approved U.S. segment transportation charges, and deeming all such charges to be prudently incurred on a comparable basis regardless of which regulatory entity approved them, the Commission's actions would be consistent with the text and spirit of the "regulatory certainty" waiver adopted in Pub. L. 97-93 as that waiver has been interpreted in its legislative history. The portion of the "regulatory certainty" waiver that is most directly applicable to ANGTS shippers waives sections, 4, 5, 7 and 16 of the Natural Gas Act "to the extent that such sections would allow the Federal Energy Regulatory Commission to change the provisions of any final rule or order approving * * * (b) the recovery by purchasers of Alaska natural gas of all costs related to transportation of such gas pursuant to an approved tariff * * * " (Emphasis added.) The Report of the Committee on Energy and Commerce of the House of Representatives states that the phrase "an approved tariff," as used in the above quoted provision of the waiver, "means a tariff approved by the Federal Energy Regulatory Commission, or a tariff approved by the National Energy Board in Canada (NEB)."³⁹ Thus, for purposes of regulatory certainty, the Congress accords to the NEB's ANGTS tariff determinations the same treatment

³² See President's Decision, *supra* note 8, at 101.

³³ A detailed explanation of "project financing" is found in Opinion No. 125, *Ozark Gas Transmission System*, Docket No. CP78-532 (issued July 28, 1981), 16 FERC ¶ 61,099 at 61,195 and *mineo.* at 10-11.

³⁴ See National Energy Board, "Statement in the Matter of the Hearing with Respect to Condition H(1) of the Northern Pipeline Act," File No. 1045-4 (May 1980) at 4.

³⁵ Can. Rev. Stat. c. N-6 (1970).

³⁶ The nature of the just and reasonable standard in the respective U.S. and Canadian statutes is compared and analyzed at length in Attachment E to the Alaskan Delegate's Report.

³⁷ See Alaskan Delegate's Report at II-3 through II-8.

³⁸ See also the Commission's order of February 23, 1981, in Docket No. CP78-123, *et al.*, implementing

an exchange of diplomatic notes between the U.S. and Canada, dated June 10, 1980, adopting reciprocal procedures to monitor procurement for the ANGTS. This agreement provides a measure of U.S. participation in reviewing procurement costs incurred in the construction of the Canadian segment.

³⁹ H.R. Rep. No. 350 (Part 2), 97th Cong., 1st Sess. 22 (1981).

and respect that it accords to the FERC's ANGTS tariff determinations.⁴⁰

4. *Conclusion.* Based on the above considerations, the proposed rule, a summary of which follows, would permit a shipper to recover its ANGTS charges, including those billed by the Canadian pipeline segment, through a permanent tariff provision. It is closely modeled after the PGA regulations. As such, the proposed rule would permit adjustment only to rates previously determined to be just and reasonable and which are subject to periodic review. It would provide a mechanism whereby a shipper's rates would be adjusted to guard against under-recovery or over-recovery of the shipper's ANGTS charges.

III. Summary of Proposed Rule

The proposed rule would add twelve new sections to Part 154 of the Commission's regulations. In brief, the new sections would set forth the procedures and criteria by which a shipper may request a permanent tariff provision for recovering the jurisdictional portion of its ANGTS charges from its jurisdictional customers. The proposed procedures would involve four types of rate filings, which would cover the first ANGTS charges incurred by a shipper and subsequent periodic changes in those charges. By these filings, a shipper would: (1) Adjust its rates to recover ANGTS charges, if any, incurred prior to delivery of Alaska natural gas (pre-delivery ANGTS charges), (2) establish a Base Tariff Rate to recover ANGTS charges associated with the actual delivery of Alaska natural gas, (3) periodically adjust its rates to track changes in ANGTS charges following the establishment of a Base Tariff Rate, and (4) periodically restate its Base Tariff Rate to continue the authorization to track changes in its ANGTS charges

by means of a permanent tariff provision.

Although four types of rate filings would be involved, the thrust of the mechanism is that once a shipper has established its Base Tariff Rate to reflect all costs, volumes and revenues associated with the ANGTS, it would track changes in its ANGTS charges semiannually by means of rate adjustment filings, as opposed to more comprehensive, general rate change filings. The purpose of the mechanism is to assure a timely flow of revenue to the shipper and to the ANGTS, while ensuring a matching of costs and revenues to guard against under-recovery or over-recovery of ANGTS charges incurred by a shipper.

A. Applicability

Proposed § 154.201 describes the applicability of the proposed rule. The proposed rule would apply primarily to shippers seeking to recover charges incurred for the conditioning and transportation of Alaska natural gas through the ANGTS for sale in the contiguous-48 states of the United States. The proposed rule would also apply to a shipper seeking to recover charges for the conditioning and transportation of Alaska natural gas through the ANGTS for sale within the State of Alaska, to the extent that such sale is within the Commission's jurisdiction.

B. Definitions

Proposed § 154.202 defines thirteen terms relevant to the application of the proposed rule. These terms are: Alaska natural gas, Alaska Natural Gas Transportation System (ANGTS), ANGTS charges, ANGTS Charges Recovery Clause (ACR Clause), Base Tariff Rate, National Energy Board, initial investment, jurisdictional portion, minimum bill, project sponsors, Prudhoe Bay Producing Unit of Alaska, shipper, and track. Except for "ANGTS Charges" and "shipper," these definitions were discussed previously or are more appropriately explained later in this preamble.

1. "ANGTS Charges". Proposed § 154.202(c) defines "ANGTS charges" as "amounts billed by the project sponsors that are properly attributable to the construction and operation of the ANGTS for the conditioning and transportation of Alaska natural gas." Two separate considerations underlie this definition. First, a shipper may incur ANGTS charges prior to the actual delivery of Alaska natural gas. Second, a shipper will incur charges for use of the Alaska gas conditioning plant, but

not all of these charges will necessarily be attributable to the shipper's natural gas service.⁴¹

In regard to the first consideration, the proposed definition of "ANGTS charges" includes "amounts billed * * * [for] the construction * * * of the ANGTS * * *" (Emphasis added.) This aspect of the proposed definition is necessary because the mechanism for ANGTS cost recovery structured in the proposed rule includes a procedure by which a shipper may recover ANGTS charges incurred prior to the delivery of Alaska natural gas. This procedure and the basis for a shipper to recover such charges are discussed later in this summary.

In regard to the second consideration, the proposed definition of "ANGTS charges" includes "amounts * * * properly attributable to the construction and operation of the ANGTS for the conditioning and transportation of Alaska natural gas." (Emphasis added.) This aspect of the proposed definition would limit a shipper's recovery of charges from the Alaska gas conditioning plant segment to those charges properly attributable to natural gas service.

It is consistent with the recommendation of the Alaskan Delegate's Report that recovery of ANGTS charges from natural gas customers be restricted to those charges properly determined to be such customers' responsibility.⁴² The Report's recommendation in turn is based on the Commission's practice regarding the recovery of costs from jurisdictional facilities like the gas conditioning plant. The Commission's practice is to require that rates authorized to be charged to natural gas customers properly account for the existence of products other than natural gas.⁴³ In brief, the proposed

⁴⁰ While recognizing the limitations on the Commission's modification powers, the House Report noted that U.S. consumers would nevertheless remain fully protected with respect to Canadian transportation charges. It emphasized three points:

First, the rates, charges, and conditions of service for Canadian natural gas pipeline companies, like those of U.S. pipeline companies, are required by law to be "just and reasonable", as well as nondiscriminatory. Second, the Agreement on Principles, which was consummated between the two countries for the specific purpose [sic] of the ANGTS, "will be just and reasonable and apply to the pipeline in the same nondiscriminatory manner as to any other similar pipeline". [sic] Finally, the Transit Hydrocarbon Pipeline Treaty between Canada and the United States prohibits any interference with throughput in the ANGTS or any discriminatory treatment with respect to taxes or other monetary charges.

Id. at 22-23.

⁴¹ Although the primary purpose of the plant will be to prepare the gas from the Prudhoe Bay Field for entry into the pipeline, the plant will also produce other products. As stated in the Alaskan Delegate's Report:

"* * * 'Pipeline quality' natural gas is not the only product of the conditioning facility. Other products are: (a) a mixture of carbon dioxide (CO₂) and natural gas liquids (NGL's) that will be used as fuel for the plant, requisite compression at the North Slope, and other operations within the Prudhoe Bay Field, and (b) some heavier NGL's that will be shipped to market through the Trans Alaska (oil) Pipeline System (TAPS)."

Alaskan Delegate's Report at IV-3, footnotes omitted.

⁴² See Alaskan Delegate's Report at IV-1.

⁴³ See, e.g., *Pacific Offshore Pipeline Co.*, "Order Approving Financing Plan and Tariff with Conditions and Granting in Part and Deferring in Part Amendment of Certificate," Docket No. CP74-35-001 (issued January 25, 1982) 18 FERC ¶ 61,070.

definition of ANGTS charges would ensure that a shipper's rates reflect the proper apportionment of the plant's charges.

2. "Shipper." Proposed § 154.202(1) defines "shipper" as a "person who has executed service agreement with one or a combination of the project sponsors for the conditioning and transportation of Alaska natural gas through the ANGTS." ⁴⁴ By not specifying that a shipper be a "natural gas company," this definition takes into account the President's *Waiver*, which set aside NGA sections 1(b) ⁴⁵ and 2(6) ⁴⁶ to the extent necessary to permit a shipper to be deemed a "natural gas company" within the meaning of that Act. As explained by Congress, this part of the *Waiver* "is required if a tariff permitting billing commencement prior to completion of the entire system, made possible elsewhere in the waiver, is to be legal with regard to the Natural Gas Act." ⁴⁷ Therefore, the Commission believes that the broader definition of "shipper" is necessary to be consistent with the purpose and intent of the President's *Waiver*, which sought to eliminate the NGA definition of "natural gas company" as a potential impediment to the recovery of pre-delivery ANGTS charges.

C. Recoverable ANGTS Charges

Proposed § 154.203(a) describes the ANGTS charges that a shipper's rates could reflect, i.e., a shipper's recoverable ANGTS charges. A shipper's recoverable ANGTS charges would be the jurisdictional portion ⁴⁸ of those charges that are prudently incurred. Prudence is the standard which the Commission has previously established to determine whether non-jurisdictional costs (as well as jurisdictional costs) may be reflected in a jurisdictional company's rates. ⁴⁹ What is prudent, however, may vary according to circumstances. ⁵⁰ Consequently,

⁴⁴ Section 154.12 of the Commission's regulations includes an executed service agreement in its definition of "contract." Contract is defined as "any agreement which in any manner affects or relates to rates, charges, classifications, practices, rules, regulations or services for any transportation or sale of natural gas subject to the jurisdiction of the Commission."

⁴⁵ 15 U.S.C. 717(b).

⁴⁶ 15 U.S.C. 717a(6).

⁴⁷ H.R. Rep. No. 350 (Part 2), 97th Cong., 1st Sess. 23 (1981).

⁴⁸ "Jurisdictional portion" is defined in proposed § 154.202(g) as that portion of ANGTS charges that are properly attributable to a shipper's jurisdictional services.

⁴⁹ See, e.g., *Pacific Indonesia LNG Company, et al.*, 55 FPC 1601 (1976).

⁵⁰ For example, in *Pacific Indonesia*, the Commission indicated that non-jurisdictional costs that were reasonable in the context of the customs

proposed § 154.203(a) would also establish the criteria or conditions that a shipper's ANGTS charges would need to satisfy in order to be deemed prudently incurred by the Commission and therefore recoverable from the shipper's customers.

First, the Commission would deem ANGTS charges prudently incurred if those charges were properly computed pursuant to Commission-approved tariffs ⁵¹ for the U.S. project sponsors and pursuant to NEB-approved tariffs for the Canadian project sponsor. ⁵² Satisfaction of this condition would mean that a shipper's ANGTS charges would have been derived from rates that the Commission and the NEB, as appropriate, had determined to be just and reasonable. As discussed earlier and as recognized by Congress, the NEB applies a "just and reasonable" standard substantially identical to the one used by the Commission in approving rates. Therefore, the Commission believes that a shipper's ANGTS charges should be deemed prudently incurred if those charges are properly computed pursuant to Commission-approved or NEB-approved tariffs.

In determining whether a shipper's ANGTS charges satisfy this condition, the Commission would need to review the project sponsors' tariffs. Of course, the U.S. project sponsors' tariffs would be on file with the Commission. The Canadian project sponsors' tariffs, however, would be on file with the NEB. Therefore, to assist the Commission in determining whether a shipper's rates reflect Canadian ANGTS charges properly computed pursuant to an NEB-approved tariff, proposed § 154.203(b) would require the shipper to provide the Commission with a certified copy of any tariff or modifications or changes to any tariff approved by the NEB relating to the shipper's Canadian ANGTS charges. A shipper would provide the Commission with a copy of the entire tariff the first time the shipper proposed rates reflecting Canadian ANGTS charges. Thereafter, a shipper would provide the Commission with any modifications or changes to an NEB-approved tariff when the shipper makes

and practices of the shipping industry would be considered prudently incurred. *Id.* at 1604.

⁵¹ In its initial *Northern Border* order, the Commission also indicated that transportation costs to be recovered by the shippers of Canadian natural gas through the pre-build portion of the Eastern Leg could be considered prudently incurred if computed pursuant to Commission-approved project sponsor tariffs. See April 28, 1980 *Northern Border* order, *supra* note 22, at 61,181.

⁵² To date, the only tariff approved by the NEB for the Canadian segment is one for Foothills Pipelines (Yukon) Ltd.

subsequent rate filings involving Canadian ANGTS charges.

The second condition in proposed § 154.203(a), which a shipper's ANGTS charges would need to satisfy to be deemed prudently incurred by the Commission, would apply to the shipper's Canadian ANGTS charges. This condition, which is recommended in the Alaskan Delegate's Report, ⁵³ is consistency of a shipper's Canadian ANGTS charges with the Transit Pipeline Treaty and the Agreement on Principles. Satisfaction of this condition would mean that such charges did not reflect any discriminatory items of cost, because the Transit Pipeline Treaty mandates that the NEB regulate the Canadian pipeline segment in the same manner as it regulates other Canadian gas pipelines; in other words, it prohibits discriminatory treatment. The Agreement on Principles implements the Treaty with respect to the ANGTS, confirming the requirement for non-discriminatory treatment. Satisfaction of this condition would also mean that such charges were derived from rates that were determined to be just and reasonable, because Article IV, paragraph 2 of the Treaty specifically articulates and imposes a "just and reasonable" standard, which standard is in any event mandated by the applicable domestic legislation of both the United States and Canada.

The Commission proposes the condition that Canadian ANGTS charges be consistent with the Treaty and the Agreement to be determined prudently incurred by the Commission for the reasons set forth in the Alaskan Delegate's Report. The proposed condition would assist the Commission in fulfilling its statutory obligation under the Natural Gas Act to ensure that shippers' rates are just and reasonable by establishing a reasonable standard for determining the prudence of non-jurisdictional costs to be reflected in those rates.

The Commission recognizes, however, that consistency of a shipper's Canadian ANGTS charges with the Treaty and the Agreement is in the first instance a matter within the purview of the NEB, which will consider the matter initially at the time it approves the Canadian project sponsors' tariffs and subsequently at the time it approves amounts to be billed to the shippers pursuant to such tariffs. The NEB is a responsible regulatory agency, rooted in the same legal tradition as the Commission; it applies a statutory "just

⁵³ See Alaskan Delegate's Report at II-28 through II-34.

and reasonable" standard substantially identical to the Commission's. Also, as discussed later in this preamble, it is the Commission's understanding that U.S. parties with affected economic interests (e.g., a shipper's customers) will have the opportunity to participate in NEB proceedings on the Canadian project sponsors' tariffs and charges, and thus can raise the issue of consistency of Canadian ANGTS charges with the Treaty and the Agreement in those proceedings. Therefore, proposed § 154.203(c) would establish a presumption, albeit rebuttable, that if a shipper's Canadian ANGTS charges were properly computed pursuant to an NEB-approved tariff, such charges would also be consistent with the Treaty and the Agreement. The presumption would be rebuttable if those charges, or more precisely the reflection of those charges in a shipper's rates, were challenged as being inconsistent with the Treaty and/or the Agreement.

Proposed § 154.203(c) would also provide that any challenge to a shipper's rates on the basis that those rates reflect charges inconsistent with the Treaty and/or the Agreement would have to be made in a timely manner in accordance with the Commission's Revised Rules of Practice and Procedure.⁵⁴ For example, pursuant to Rule 211,⁵⁵ any person may file a protest to object to any tariff or rate filing. Pursuant to Rule 214,⁵⁶ any State Commission may become a party to a rate proceeding by filing a notice of intervention in that proceeding, and any person seeking to become a party in such a proceeding may file a motion to intervene.

Proposed § 154.203(d) would establish the means by which the Commission would determine whether the challenged rates of a shipper reflected ANGTS charges that were improperly computed pursuant to NEB-approved tariffs, or were inconsistent with the Treaty and/or the Agreement. In brief, the means for any such determination would be the bilateral mechanisms provided by the Agreement and the Treaty. Paragraph 9 of the Agreement provides for resolution of disagreements through consultation between the regulatory authorities of the two countries. Regulatory consultation would involve discussion between the NEB and the Commission; such

consultation, pursuant to the Agreement, has occurred with some frequency. Article IX of the Treaty provides for diplomatic negotiation between senior government officials of the two countries, and for arbitration if a dispute is not settled by negotiation.

More specifically, proposed § 154.203(d) would provide that the Commission would not disallow any ANGTS charges in a shipper's rates, or order any refund of charges, on the basis that such charges were improperly computed pursuant to NEB-approved tariffs, or were inconsistent with the Treaty and/or the Agreement, unless and until the matter was resolved through the bilateral mechanisms described above. Of course, if the Commission were to determine that a challenge was without merit (either on its face or after factual inquiry) such that the Commission would not consider disallowing the charges, or ordering any refunds, the Commission may dispose of the challenge by rejecting it without activating the bilateral mechanisms of regulatory consultation, diplomatic negotiation and arbitration. In that situation, regulatory consultation, negotiation and arbitration would serve no useful purpose because there would be no disagreement between the regulatory authorities of the two countries.

The Commission is not aware of any precedent for resolution of tariff issues through bilateral mechanisms pursuant to international agreements. However, the ANGTS itself is without precedent, not only because of its unique legal framework but also because of its international character. Moreover, both the Agreement (through approval of the President's *Decision*, in which it is incorporated) and the Treaty (through ratification by the Senate) have been approved by Congress, and thus have the force and effect of statutory law. Thus, the Commission believes that use of the bilateral mechanisms established by these international agreements to resolve ANGTS-related issues would be consistent with the intent of Congress. Article IV of the Treaty recognizes Canada's sovereign jurisdiction to regulate the Canadian segment of the ANGTS, as well as the United States' sovereign jurisdiction to regulate the activities of U.S. pipelines (e.g., the shippers) within the United States. With respect to the ANGTS, the Commission's exercise of its responsibilities under the Natural Gas Act is inextricably intertwined with the NEB's exercise of its responsibilities under the NEB Act. Accordingly, inasmuch as the two governments have entered into

international agreements which establish bilateral mechanisms to resolve ANGTS-related disputes between the two countries, and inasmuch as those agreements have the force of law within the U.S., the Commission believes that it would be appropriate to utilize these bilateral mechanisms to resolve issues of whether charges tracked by the shippers are properly computed pursuant to NEB-approved tariffs and are consistent with the Treaty and the Agreement.

The Commission recognizes that proposed § 154.203 does not specifically address a shipper's capacity to collect Canadian ANGTS charges from its jurisdictional customers through its rates in the event such charges were challenged as being improperly computed pursuant to NEB-approved tariffs or as being inconsistent with the Treaty and/or the Agreement. The Commission believes that this matter need not be addressed in the proposed rule because existing Commission regulations and practice under section 4(e) of the Natural Gas Act would apply in such event. In brief, a shipper could collect challenged Canadian ANGTS charges through its rates, even though under section 4(e) of the Natural Gas Act the Commission could suspend the effectiveness of the shipper's proposed rates reflecting such charges for up to five months. If the Commission suspended the effectiveness of a shipper's proposed rates, the rates would nevertheless go into effect, subject to refund with interest.⁵⁷

The Commission notes that the operation of two other sections of the proposed rule would limit the period during which a shipper's rates could be suspended under certain circumstances. Proposed § 154.207(a)⁵⁸ would provide that when a shipper makes the general rate change filing required by that proposed section, the Commission would not suspend the shipper's rates for more than one day after the proposed effective date of those rates, if the sole basis for suspending those rates were a challenge pursuant to proposed § 154.203(a)(2) (conditions for tracking Canadian ANGTS charges) such that absent the challenge the rates would not be suspended. Proposed § 154.208(h) would provide that when a shipper proposes to adjust its rates in one of its semiannual filings to track changes in its ANGTS charges, the Commission would not suspend the shipper's rates for more

⁵⁴ The Commission's Revised Rules of Practice and Procedure became effective on August 26, 1982. They are codified in Part 385 of the Code of Federal Regulations.

⁵⁵ Rule 211 is codified at 18 CFR 385.211. Previous Commission rules on protests were found at 18 CFR 1.10.

⁵⁶ Rule 214 is codified at 18 CFR 385.214. Previous Commission rules on intervention were found at 18 CFR 1.8.

⁵⁷ See 18 CFR 154.67.

⁵⁸ Proposed § 154.207(a) would require a shipper to make a general rate change filing under section 4(e) of the NGA, as a prerequisite to tracking changes in its ANGTS charges.

than one day after the approved effective date of those rates.⁵⁹ This limitation on the suspension period would apply regardless of the reason for suspending a shipper's rates.⁶⁰

The above discussion pertains to the conditions and procedures for implementing the conditions found in the proposed rule for the tracking of Canadian ANGTS charges. The Alaskan Delegate's Report discusses another condition, which is not contained in the proposed rule. That condition is that the NEB, in its ANGTS tariff proceedings, afford interested party status to U.S. parties whose economic interests would be affected by those proceedings.⁶¹

The Commission believes that there is no need to include an explicit condition to that effect in the proposed rule. As the Report notes, the NEB, in one of its orders, has stated:

Because of the announced principle of FERC to permit automatic tracking once the specifics of the tariff have been approved, the Board is concerned that shippers on the Foothills (Yukon) pipeline system may not have sufficient incentive to protect the interest of the ultimate consumers of the gas. Therefore, the Board may permit representative consumer interest groups, upon application to be granted interested party status for matters in relation to cost of service, tolls and tariffs.⁶²

Although the word "may" in the second sentence is not without ambiguity, it is the Commission's understanding that the NEB, by the above quoted order, has in fact already agreed to accord interested party status to U.S. parties with economic interests affected by NEB proceedings involving ANGTS cost-of-service, tolls and tariffs. Furthermore, it is the Commission's understanding that the NEB, in its 20 years of existence, has

never refused interested party status to any U.S. party who properly applied for it.⁶³

To summarize, U.S. consumers and other parties affected by tracking of ANGTS charges incurred in Canada may rely on a variety of means to protect their economic interests. Their most important, fundamental protection arises from the fact that the NEB is a responsible regulatory agency, rooted in the same legal tradition as the Commission, and applies a statutory "just and reasonable" standard substantially identical to the Commission's. Reliance on the integrity and good faith of Canadian governmental agencies is inherent in the decision of the President and the Congress to approve a pipeline project that traverses Canada's sovereign territory and is in significant part subject to Canada's sovereign legal jurisdiction.

In addition, U.S. parties with affected economic interests would have the right to participate in the NEB's proceedings on the charges to be tracked, including the right to pursue their remedies in Canadian courts to the same extent that comparable Canadian parties may have standing to pursue such issues in Canadian courts. Finally, U.S. parties with affected economic interests would have the right to bring to the Commission's attention any perceived problems of consistency of a shipper's Canadian ANGTS charges with the Transit Pipeline Treaty and the Agreement on Principles, and to request the Commission to pursue such matters with the appropriate Canadian authorities through the mechanisms established in the Treaty and the Agreement.

D. ANGTS Charges Recovery Mechanism

Proposed § 154.204 is a general statement of the sequence and nature of the filings that a shipper would be required to make with the Commission in order to recover ANGTS charges incurred prior to the delivery of Alaska natural gas (pre-delivery ANGTS charges) and to track changes in ANGTS charges after delivery of Alaska natural gas commences. The actual terms and conditions for these filings would be specified in the remaining sections of the proposed rule.

E. ANGTS Charges Recovery Clause

Proposed § 154.205 would require that a shipper have a Commission-approved ANGTS Charges Recovery Clause (ACR Clause) prior to the tracking of changes

in the jurisdictional portion of its ANGTS charges. An ACR Clause would be a clause incorporated in a shipper's FERC Gas Tariff⁶⁴ which would set forth the terms and conditions of its recovery of ANGTS charges. No ANGTS charges could be recovered under the tracking mechanism until the Commission approved a shipper's ACR Clause. The Commission would consider approving a proposed ACR Clause only if the ACR Clause set forth provisions for implementing the requirements and procedures specified in the remaining sections of the proposed rule. proposed § 154.205 would also require that a shipper have a Commission-approved ACR Clause if the shipper chooses to recover predelivery ANGTS Charges pursuant to the pertinent section of the proposed rule.

Proposed § 154.205 would not specify a particular time when a shipper must file a proposed ACR Clause; rather, it would permit the shipper to file its ACR Clause at any time following the effective date of a final rule in this proceeding. Therefore, a shipper could file its ACR Clause for approval according to its own schedule. Of course, the clause would have to be filed with, and approved by, the Commission prior to the recovery of any ANGTS charges pursuant to the mechanisms provided in the proposed rule.

F. Recovery of ANGTS Charges Incurred Prior to Delivery of Alaska Natural Gas

Proposed § 154.206 would establish the criteria by which a shipper could propose tariff provisions for the recovery of ANGTS charges incurred prior to the delivery of Alaska natural gas ("pre-delivery ANGTS charges"). This proposed section would be a partial implementation of the authority conferred on the Commission by the President's *Waiver*. The President's *Waiver* authorizes, but does not require, the Commission to approve project sponsor and shipper tariffs that would, within certain specified limits discussed below, permit the project sponsors to bill the shippers, and the shippers to bill their customers, to recover costs associated with the ANGTS prior to the flow of gas.

More specifically, proposed 154.206 would permit a shipper to recover pre-delivery ANGTS charges upon incurrence by making rate adjustment filings in conjunction with its PGA

⁵⁹ Although these filings would be less comprehensive than a section 4(e) general rate change filing, they nevertheless would be within the scope of section 4(e) of the NCA, and, as such, would be subject to the maximum five-month statutory suspension period but for proposed § 154.208(h).

⁶⁰ As discussed above, upon receipt of an allegation of noncompliance, the Commission could suspend a shipper's next proposed ANGTS Rate Adjustment, and require that amounts at issue with respect to compliance be collected subject to refunds. Amounts collected prior to that time might also be subject to restitution. See Alaskan Delegate's Report at II-34 to II-35.

⁶¹ See Alaskan Delegate's Report at II-10 through II-18. The Report suggests that such U.S. parties with affected economic interests would include U.S. shippers, transporters and distributors of Alaska natural gas, and U.S. consumers and industrial groups with a substantial economic interest in the NEB proceedings. *Id.* at II-3, note 4.

⁶² National Energy Board, "Reasons for Decision in the Matter of Phase I of a Public Hearing Respecting Tariffs and Tolls to be Charged, the Financing of the Pipeline, and Other Related Matters of Foothills Pipe Lines (Yukon) Ltd." File No. 1510-2-2 (issued July 1979), at 14-15, as quoted in the Alaskan Delegate's Report at II-11.

⁶³ See Alaskan Delegate's Report at II-12, note 24.

⁶⁴ FERC Gas Tariff is defined in § 154.14 of the Commission's regulations as "a compilation, in book form, of all of the effective rate schedules of a particular natural-gas company, and a copy of each form of service agreement."

filings. With respect to pre-delivery ANGTS charges arising out of the construction of the Alaskan Pipeline Segment and the Alaska Gas Conditioning Plant Segment (collectively, "the Alaskan Segments"), proposed § 154.206 would authorize recovery of charges billed to the shippers only to the extent (if any) that the Commission approves project sponsor tariffs permitting the billing of pre-delivery ANGTS charges to the shippers for those segments. With respect to pre-delivery ANGTS charges arising out of the construction of the Canadian Pipeline Segment, proposed § 154.206 would authorize recovery of charges billed to the shippers only to the extent that the NEB approves project sponsor tariffs for that segment authorizing such charges, and only to the extent that recovery of such charges by the shippers is not inconsistent with the President's *Waiver*.⁶⁵

The right of the shippers under proposed § 154.206 to recover pre-delivery ANGTS charges from the Alaskan Segments and the Canadian Pipeline Segment raises separate and distinct issues. Accordingly, these issues will be examined separately below.

1. *Authorization to Recover Pre-delivery ANGTS Charges Relating to the Canadian Pipeline Segment.* With respect to the charges from the Canadian Pipeline Segment, the President's *Waiver* authorizes the Commission to approve tariffs that would:

*** permit billing to commence and collection of rates and charges to begin and that will authorize recovery of all costs paid by purchasers of Alaska natural gas for transportation through the system pursuant to such tariffs prior to the flow of Alaska natural gas through the approved transportation system—

(a) to permit recovery of the full cost of service for the pipeline in Canada to commence—

(1) upon completion and testing, so that it is proved capable of operation; and

(2) not before a date certain, as determined (in consultation with the Federal Inspector) by the Federal Energy Regulatory Commission in issuing a final certificate for the approved transportation system, to be the most likely date for the approved transportation system ***

As noted previously in the discussion of recoverable ANGTS charges, jurisdiction over the Canadian project sponsors' tariffs resides with the NEB. For the reasons discussed there, the Commission believes that it would be

appropriate to defer to any decision of the NEB to approve tariffs that provide for the billing of pre-delivery ANGTS charges. In addition, the Commission believes that deferral to the NEB is consistent with the intent of the President's *Waiver*.

Prior to the enactment of the President's *Waiver*, the NEB authorized the Canadian project sponsors to commence billing the shippers the full cost-of-service of the Canadian Pipeline Segment as of the date when the NEB grants "leave to open" for that segment.⁶⁶ Such authorization was deemed necessary by the NEB to assist in the financing efforts for the Canadian Pipeline Segment.

The legislative history of the President's *Waiver* strongly indicates that the primary reason for the pre-commencement billing provisions in the *Waiver* was to give effect to that NEB decision. As described by the President's *Synopsis of Waiver*, the purpose of the pre-commencement billing provisions was to:

*** enable the Commission to conform the tariff provisions to the tariff approved by the Canadian National Energy Board. The Canadian tariff provides for recovery of the full cost of service for the pipeline in Canada. The proposed waiver recognizes the Canadian decision, while protecting the United States natural gas customers from the possibility that the Canadian segment of the pipeline would be completed in advance of the time it would be necessary.⁶⁷

The Report of the House Committee on Interior and Insular Affairs similarly states in regard to the pre-commencement billing provisions in the President's *Waiver*: "U.S. action consistent with decisions of the Canadian NEB is in the interest of both nations."⁶⁸

In light of the above, the only decision that the Commission must make with respect to the Canadian pre-delivery ANGTS charges is on the shipper level, i.e., whether to authorize the shippers to flow-through pre-delivery ANGTS charges paid to the Canadian project sponsors pursuant to an NEB-approved tariff. Of course, pursuant to proposed § 154.203, the Commission would make this decision in the context of recoverable ANGTS charges generally. As discussed previously, prudence would be the test of whether a shipper may reflect Canadian ANGTS charges, including those incurred prior to the

flow of gas, in its rates to be recovered from its customers. To the extent such charges are properly computed pursuant to an NEB-approved tariff and are consistent with the Transit Pipeline Treaty and the Agreement on Principles, the Commission would deem them prudently incurred.

In addition to these criteria which the Commission proposes to test the prudence of a shipper's Canadian ANGTS charges, the President's *Waiver* limits the Commission's authority to approve shipper recovery of Canadian pre-delivery ANGTS charges. That limitation, and consequent condition on a shipper's recovery of such charges, is the occurrence of the two events specified at the beginning of this discussion: a "date certain" determined by the Commission to be the most likely date for the entire ANGTS to be completed and the completion and testing of the Canadian Pipeline Segment so that it is proved capable of operation. Proposed § 154.206 accordingly restricts the right of a shipper to recover Canadian pre-delivery ANGTS charges to the occurrence of those two events.⁶⁹

The Commission believes that the interests of U.S. consumers would be adequately protected under the proposed rule. The Commission intends to fully examine the issue of the "date certain" so as to minimize the possibility that any pre-delivery ANGTS charges would be recovered from U.S. gas consumers. Additionally, all of the consumer protections discussed elsewhere in this Notice—the Transit Pipeline Treaty, the Agreement on Principles, the NEB's own "just and reasonable" standard embedded in its enabling statute, and the provisions for consultation, negotiation, and arbitration in proposed § 154.203(d)—are fully applicable to Canadian pre-delivery ANGTS charges.

2. *Authorization to Recover Pre-delivery ANGTS Charges Relating to the Alaskan Pipeline and Gas Conditioning Plant Segments.* The President's *Waiver*, as it relates to the

⁶⁵ See NEB, Phase IV(b) order, File No. 1510-2-2 (issued May 1980), as quoted in part in the Alaskan Delegate's Report at III-23 to III-24.

⁶⁶ *Synopsis of Waiver*, reprinted in H.R. Rep. No. 350 (Part 2), 97th Cong., 1st Sess. (1981), at 28-29.

⁶⁷ H.R. Rep. No. 350 (Part 1), 97th Cong., 1st Sess. 18 (1981).

⁶⁸ Of course, the Commission itself would be bound by the terms of the President's *Waiver*, to the full extent of its applicability, in approving pre-commencement billing of ANGTS charges in the project sponsor tariffs for the Alaskan Segments.

⁶⁹ In this regard, the Commission notes that the Canadian sponsors' tariff approved by the NEB may be inconsistent with the terms of the *Waiver*. As discussed above, that tariff provides for the commencement of billing once "leave to open" has been granted by the NEB for the Canadian Pipeline Segment. Under that tariff, billing for the Canadian Pipeline Segment might occur before the "date certain" and prior to the date the Canadian Pipeline Segment is completed and tested. However, insofar as the shippers will not, under proposed § 154.206, be authorized to recover such charges prior to the "date certain" and prior to the date the Canadian Pipeline Segment is completed and tested, the Commission believes that the interests of U.S. consumers would be adequately protected.

Alaskan Segments, contemplates a two-tier decision.⁷⁰ At the basic level, the Commission must decide (if the project sponsors so request) whether to authorize the project sponsors of the Alaskan Segments to bill and collect any pre-delivery ANGTS charges from the shippers. Secondly, the Commission must decide whether to authorize the shippers to recover from their customers any pre-delivery ANGTS charges billed to them by the project sponsors.

The Commission stresses that it is not deciding, under proposed § 154.206, whether, and the extent to which, the Commission may exercise its authority under the President's *Waiver* to approve pre-commencement billing by the Project sponsors of the Alaskan Segments.⁷¹ That fundamental issue would more appropriately be resolved in a separate proceeding held at such time as those project sponsors file *pro forma* tariffs requesting such authorizations.

Proposed § 154.206, insofar as it relates to the recovery of costs for the Alaskan Segments, would do no more than establish the procedures whereby a shipper could recover from its customers any pre-delivery ANGTS charges that the Commission authorizes the project sponsors to bill the shipper. Because no such charges could be billed by the project sponsors or recovered by a shipper unless and until the Commission approves such charges at the project sponsor level, proposed § 154.206 would not be operational until such time.

Nevertheless, the Commission believes that it would be appropriate to propose such procedures at this time. The resolution of all questions of shipper tracking—including tracking of pre-delivery ANGTS charges—in a single proceeding would best fulfill the ANGTA mandate for expedition. Deferring the issue to a later date might, at least to some extent, complicate the ability of the project sponsors of the Alaskan Segments to arrange financing

for the project. Establishing such procedures at this time would provide a degree of certainty to the shippers by assuring them that they will be able to pass through to their customers whatever charges the project sponsors are authorized to bill to them.

3. *Timing of Recovery of Pre-delivery ANGTS Charges.* Within this context of the Commission's authority to permit recovery of pre-delivery ANGTS charges by a shipper, proposed § 154.206 would provide that a shipper could recover pre-delivery ANGTS charges if and when the shipper incurs such charges. This proposal is consistent with the recommendation in the Alaskan Delegate's Report, which is premised on the importance of immediate ANGTS cost recovery to the financing of the project.⁷²

As noted in the Report, many of the shippers identified to date are also partners of the sponsoring consortium for the Alaskan Segments. Consequently, there would be no shift in cost responsibility if these sponsor-shippers were not allowed to recover their pre-delivery ANGTS charges associated with the Alaskan facilities as they were incurred. Also, the sponsor-shippers should be allowed to recover their other pre-delivery ANGTS charges as incurred because otherwise they would experience considerable financial exposure. The Report states that:

* * * requiring [the sponsor-shippers] to arrange financing for any pre-delivery ANGTS charges from the Canadian and Lower-48 segments would necessitate a reallocation of their financing capacity between supporting the Alaskan facilities and covering the pre-delivery charges on the other facilities. Such a requirement would unnecessarily complicate the financing of the Alaskan segment and should be avoided.⁷³

Furthermore, authorizing such cost recovery for the sponsor-shippers would not result in a reduced incentive to begin gas flow, because recovery of the equity component of the project's costs will not begin until gas flows.

The Report also recommends authorizing tracking of ANGTS charges, if and when they are incurred, for non-sponsor-shippers, because section 13(a) of the ANGTA⁷⁴ requires:

There shall be included in the terms of any certificate, permit, right-of-way, lease or other authorization issued or granted pursuant to the directions contained in section 9 of this Act, a provision that no person seeking to transport natural gas in the Alaskan natural gas transportation system shall be prevented from doing so or be discriminated against in the terms and conditions of service on the basis of degree of ownership, or lack thereof, of the Alaskan natural gas transportation system.

Although such non-sponsor-shippers would have no equity incentive to prompt initiation of gas shipments, the classification of pre-delivery ANGTS charges recommended in the Alaskan Delegate's Report and incorporated in this proposed rule would provide an incentive.

4. *Mechanism for Recovery of Pre-Delivery ANGTS Charges.* Proposed § 154.206(b) would prescribe the mechanism for recovery of pre-delivery ANGTS charges. This mechanism would be procedurally similar to the one for tracking changes in ANGTS charges once Alaska natural gas is delivered. However, unlike these charges, pre-delivery ANGTS charges by definition are unrelated to any gas sales or volumes. Therefore, the proposed rule would integrate the recovery of pre-delivery ANGTS charges into the mechanism used by a shipper to adjust its rates for changes in its purchased gas costs so that the sales and volumes associated with a shipper's non-ANGTS gas would be used to calculate the current adjustment and the surcharge to recover pre-delivery ANGTS charges. The Commission makes this proposal because the procedure is simple and easy to implement, adaptable into existing accounting and ratemaking systems, and equitable inasmuch as costs would be paid by users actually buying gas.

Because a shipper's recovery of pre-delivery ANGTS charges would be integrated into its purchased gas rate adjustment (PGA), proposed § 154.206(b)(1) would require that a shipper coincide the filing of its pre-delivery ANGTS charges rate adjustments with its filings of purchased gas rate adjustments.

Proposed § 154.206(b)(2) would require that at a shipper's first scheduled PGA filing following the initial incurrence of pre-delivery

⁷⁰ With the exception of the type of costs which may be recovered, the pre-commencement billing provisions of the *Waiver* relating to the Alaskan Segments are identical to the provisions relating to the Canadian Pipeline Segment.

⁷¹ The Commission notes that Order Nos. 31 and 31-B, *supra* note 19, authorized the project sponsors of the Alaskan Pipeline Segment to commence billing after the *entire* ANGTS is completed, tested and proved capable of operation. Order Nos. 31 and 31-B, however, were issued prior to enactment of the President's *Waiver*, and prior to inclusion of the Alaska gas conditioning facility in the system. The project sponsors of the Alaskan Segments have not submitted to the Commission any amended *pro forma* tariffs requesting authorization to collect pre-delivery ANGTS charges in accordance with the *Waiver*. The issue of pre-commencement billing on the sponsor level is thus not now before the Commission.

⁷² See Alaskan Delegate's Report at III-28 through III-40. This premise is different from the one on which the Commission based its decision in the *Northern Border* orders on costs incurred by shippers using the "pre-build" section of the Eastern Leg to transport Canadian gas. In *Northern Border* the Commission allowed recovery of pre-delivery costs only when gas begins to flow and provided that a shipper could defer such costs in a special account and collect carrying charges until that time. The Commission believed that immediate recovery of pre-delivery "pre-build" costs was desirable but was not essential to financing. However, the Commission recognized that pre-delivery ANGTS costs might require a different resolution. See April 20, 1980 *Northern Border* order, *supra* note 22, at 61,180 through 61,181 and *mimeo.* at 111-112.

⁷³ Alaskan Delegate's Report at III-36.

⁷⁴ 15 U.S.C. 719k.

ANGTS charges, a shipper adjust its existing tariff rates to include two items. These items would be a current adjustment to recover projected pre-delivery ANGTS charges and a surcharge to recover the amounts which have accumulated in a deferred account.

Proposed § 154.206(b)(3) would require that a shipper follow this procedure at each succeeding PGA filing until its first PGA filing immediately following the effective date of its Base Tariff Rate which the shipper would be required to establish once gas is delivered or is about to be delivered. By this sequence, there would be no extended time period in which a shipper would be unable to recover its ANGTS charges promptly.

Proposed § 154.206(b)(4) would direct a shipper to calculate its current adjustment and surcharge by using the same jurisdictional allocation factors and procedures that it uses to recover changes in the commodity component of its purchased gas costs. Furthermore, a shipper would recover the current adjustment and the surcharge through the commodity component of its existing rates.⁷⁵

Proposed § 154.206(b)(5) would set forth the basic accounting procedures that a shipper must use, once the six-month cycle has begun, to record its pre-delivery ANGTS charges and to defer any differences between the charges and the recovery of charges. Proposed § 154.206(b)(6) would prescribe the method and rate to be used by a shipper to compute carrying charges on amounts accumulated in its deferred accounts. Proposed § 154.206(b)(7) would specify the posting, service, and verification requirements for a pre-delivery ANGTS rate adjustment filing. Each of these proposed steps in the pre-delivery ANGTS charges recovery mechanism is similar to proposed requirements for the mechanism by which a shipper would track changes in its ANGTS charges. They are described in greater detail later in the preamble.

Proposed § 154.206(b)(8) would require that a shipper transfer any balances remaining in its pre-delivery ANGTS charges deferred account to its ANGTS charges deferred account, once accounting has begun for the mechanism to track changes in ANGTS charges associated with the actual delivery of Alaska natural gas.

⁷⁵ This proposal is consistent with the recommendation the Alaskan Delegate's Report to classify pre-delivery ANGTS charges as commodity. This is explained in greater detail later in this preamble.

G. Initial Filing To Recover ANGTS Charges Associated With the Delivery of Alaska Natural Gas

1. *Section 4(e) General Rate Change.* Once deliveries of Alaska natural gas commence, a shipper would have not only ANGTS charges but also volumes of Alaska natural gas and revenues from the sale of that gas. Accordingly, proposed § 154.207(a) would require that upon commencement of gas deliveries a shipper bill its customers pursuant to rates which fully and properly reflect all ANGTS charges, volumes and revenues. The mechanisms by which a shipper would initially reflect these charges, volumes and revenues would be a general rate change filing made under section 4(e) of the Natural Gas Act and § 154.63 of the Commission's regulations. Pursuant to that filing, a shipper would establish a Base Tariff Rate⁷⁶ to which subsequent adjustments would be made to track changes in the shipper's ANGTS charges.

Section 154.63 of the Commission's regulation requires, among other things, that a company submit a cost and revenue study as part of a general rate change filing. By referring to this section, proposed § 154.207(a) would require such a study. The Commission's PGA regulations (specifically § 154.38(d)(4)(i)) also refer to § 154.63 and require such a study before a pipeline company can be authorized to track changes in its purchased gas costs. However, unlike § 154.38(d)(4)(i), proposed § 154.207(a) would not provide that a shipper could use a study on file in another proceeding in lieu of the cost and revenue study required by § 154.63. The Commission believes that this proposed requirement is necessary because of anticipated impact of the ANGTS volumes and that this requirement would not unduly burden a shipper.

Proposed § 154.207(a) would also require that the section 4(e) general rate change filing to include ANGTS charges be made no sooner than six months prior to the time that the shipper could reasonably anticipate the incurrence of ANGTS charges associated with the actual delivery of Alaska natural gas. The Commission bases the timing of this filing on several considerations.

First, a six-month lead time is desirable because under section 4(e) of the Natural Gas Act the Commission may suspend any proposed rates for up

⁷⁶ "Base Tariff Rate" is defined in proposed § 154.202(e) as "the effective rate on file with the Commission, excluding adjustments, effected pursuant to a shipper's ACR Clause." Base Tariff Rate is intended in this proposed rule to have the same meaning as it has in the Commission's PGA regulations (18 CFR 154.38(d)(4)).

to five months pending a hearing following the proposed effective date of such rates.⁷⁷ If a shipper's proposed rates are suspended, its prior approved tariffs and rates remain in effect during the period of suspension. The proposed rates take effect after the suspension period but are subject to refund (with interest) depending on the outcome of the hearing process on contested issues or other disposition by the Commission. Second, the Commission believes that, once the construction of the ANGTS is completed, commencement of gas deliveries will be predictable and that the project sponsors will be in a position to provide the shippers with sufficient data to prepare the studies required in a section 4(e) general rate change filing. Third, financing of the entire project will be enhanced if a shipper is assured of its cost recovery as close in time as possible to the time when it actually incurs ANGTS charges.

2. *Cost Classification.* Proposed § 154.207(b) would specify the formula that a shipper must use to classify its ANGTS charges between the demand and commodity components of its rates.⁷⁸ A shipper would use the

⁷⁷ A shipper would also have to provide 30-day notice of any proposed rate change. The notice period and the statutory suspension period equals six months.

⁷⁸ Cost classification is one of the general steps in the rate design process. Briefly, these steps are:

- Costs are identified as fixed or variable.
- For pipelines using 2-part rates, costs are classified into demand or commodity categories, i.e., whether and in what proportions the fixed and variable costs will be assigned to the demand and commodity categories. Although variable costs generally are assigned to the commodity category, fixed costs have been assigned to both categories in various proportions (e.g., the *Seaboard* formula: 50-50; *United* formula: 25% demand/75% commodity).
- Once classified, costs are allocated among the jurisdictional and non-jurisdictional customers of the interstate pipeline as follows: costs assigned to the demand category are allocated on the basis of peak usage (usually the period of three consecutive days of highest sales) and costs assigned to the commodity category are allocated on the basis of annual sales or seasonal sales.

- Costs allocated to jurisdictional customers are then apportioned among these customers by means of the pipeline's rate design.

Demand rates are usually determined by dividing jurisdictional demand costs by the sum of the contract demands of all jurisdictional customers. (Contract demand represents the right of a customer to demand a specific level of service from the pipeline.) Demand charges are billed by a pipeline to sales customers on the basis of the demand rate and the contract demands of specific customers. Demand charges are billed monthly in a fixed dollar amount and do not vary with the actual quantity of gas taken by a customer.

Commodity rates are usually determined by dividing jurisdictional commodity costs by annual sales. Commodity charges are billed by a pipeline to sales customers on the basis of commodity rates and the actual quantity of gas taken by each customer. The charges vary as the amount of gas delivered varies.

proposed formula when it makes the section 4(e) general rate change filing required for the authorization to track and when it makes subsequent rate adjustment filings required for the tracking of changes in its ANGTS charges.⁷⁹

The cost classification formula specified in proposed § 154.207(b) reflects the one recommended in the Alaskan Delegate's Report.⁸⁰ In brief, the Report recommends that an upper limit be set for the portion of ANGTS charges that should be classified as demand if there is evidence of sufficient financial benefits to do so. The formula specified in proposed § 154.207(b) incorporates the upper limits recommended by the Report for demand classification for the purpose of soliciting comments on the relationship between demand classification of ANGTS charges and the benefits to financing. The Commission recognizes that, as also discussed in the Report, there are alternatives to the Report's cost classification formula.⁸¹ The Report's recommendation and alternatives discussed in the Report are summarized below.

a. *The Report's Recommendation.* The Report recommends that classification of ANGTS charges between the demand and commodity components of a shipper's rates be made on the basis of the types of charges incurred and whether they are incurred on the Alaskan, Canadian, Eastern Leg or Western Leg segments. A shipper should classify as commodity all pre-delivery ANGTS charges for whichever segment they are incurred.⁸² Once gas deliveries

The combination of a customer's demand charges and commodity charges determines its average or unit cost of gas.

Once classified, costs generally retain their classification as they are flowed-through to succeeding interstate gas pipelines, i.e., pipelines will include previously classified costs "as billed" to them when designing their rates by which they charge their customers.

Pipelines using one-part rates bill their charges on the basis of one-part commodity rates and the actual quantity of gas taken by a customer. These rates also include an amount of imputed demand costs, in addition to a *pro rata* share of commodity costs.

⁷⁹ The use in subsequent tracking filings of the formula that is specified in proposed § 154.207(b) is required by proposed § 154.208(a), which is discussed later in this preamble.

⁸⁰ See Alaskan Delegate's Report at V-43 through V-47.

⁸¹ See Alaskan Delegate's Report at V-36 through V-43.

⁸² The mechanism structured for the recovery of pre-delivery ANGTS costs, as described previously in this preamble, implements the Alaskan Delegate's recommendation that pre-delivery ANGTS charges be classified as commodity. As discussed in the Report at V-52 through V-55, classification of pre-delivery ANGTS charges could supply necessary incentives for early

have commenced, a shipper could classify as demand as much as 100 percent of the minimum bill⁸³ for the Alaskan facilities necessary to condition and transport volumes produced from the Prudhoe Bay Producing Unit,⁸⁴ including the conditioning plant, and as much as 100 percent of the full cost-of-service on the initial investment in the Canadian pipeline segment.⁸⁵ A shipper should classify as commodity all other ANGTS charges for the Alaskan and Canadian segments that are not classified as demand. In addition, shippers using the Eastern Leg could classify as demand as much as 100 percent of the minimum bill for the facilities necessary for Alaskan gas transportation service for the Prudhoe Bay volumes transported through the Eastern Leg. These shippers would classify as commodity all other ANGTS charges from the Eastern Leg that are not classified as demand.

With respect to shippers using the Western Leg, the cost classification for ANGTS charges from that segment would be somewhat different. The Report notes that the project sponsor for the Western Leg, Pacific Gas Transmission Company or PGT, would operate under the rate structure

commencement of gas deliveries. The Report states at V-52:

... commodity charges have a more significant effect than demand charges on marginal gas consumption decisions, and, thus, on marginal gas sales by the shippers. Adding costs to commodity in the absence of additional gas sales volumes over which to spread those costs would result in a higher unit cost for the delivered gas which, in turn, could jeopardize at least some marginal sales. As additional sales usually lead to higher profits for the shippers, higher-than-necessary unit costs are likely to be a matter of concern to the shippers. Thus, assigning all pre-delivery ANGTS charges to commodity could provide an effective incentive to ensure that gas deliveries are commenced as soon as possible.

⁸³ Proposed § 154.202(b) defines minimum bill as "actual operation and maintenance expenses; actual current taxes, exclusive of income taxes; and amounts necessary to service debt, including interest and scheduled retirement of debt. The source of this definition is Order No. 31, *supra* note 19, *mimeo.* at 161.

⁸⁴ Prudhoe Bay Producing Unit as used in the Report and defined in proposed § 154.202(k) has the same meaning as it does in section 2(36) of the Natural Gas Policy Act, 15 U.S.C. 3302(36). Except for the Prudhoe Bay Producing Unit volumes referred to in proposed § 154.207(b) on cost classification, Alaska natural gas is defined for the purposes of the proposed rule at § 154.202(a) as natural gas derived from the area of the State of Alaska generally known as the North Slope of Alaska, including the Continental Shelf of the North Slope of Alaska. The source of this definition is section 4(1) of ANGA, 15 U.S.C. 719b(4)(1).

⁸⁵ Initial investment as used in the Report and defined in proposed § 154.202(g) means investment in those facilities that are complete and capable of operation when the transporter tariffs are allowed to commence. See Alaskan Delegate's Report at V-44, note 81.

approved by the Commission for PGT's other transportation services. The classification that such structure provides would be used by the shippers to classify their ANGTS charges from the Western Leg.

As posited by the Report, classification to demand of the maximum amounts recommended in the Report would result in about 60 percent of the U.S. ANGTS charges, in the early years, being classified to demand, assuming a conventional, declining rate base tariff. This proportion would decline somewhat and then increase as the system's long-term debt was retired, and operating and maintenance costs became a larger proportion of total cost-of-service. However, both the demand charge and the total cost-of-service would decline in amount over time.

The proposed rule follows the Report's recommendation regarding classification of ANGTS charges because it appears to achieve an acceptable balance among several important considerations. First, assigning some ANGTS charges to demand could provide an extra measure of security for the project's debt, which might facilitate and lower the cost of financing, ultimately resulting in lower consumer costs for the ANGTS. Second, assigning to demand no more than the minimum bill (for the U.S. segments), composed largely of debt-service costs, would assure that the demand component of the ANGTS charges decline over time (*i.e.*, as the need for steady income for debt repayment would decline, so too would the demand charges). Third, assigning ANGTS charges to commodity (except as deemed necessary for purposes of financing) would assure that the ANGTS charges would not be recovered disproportionately from the shippers' jurisdictional customers.

In this regard, the Commission recognizes that classifying any ANGTS charges as demand may increase the proportion of those costs borne by residential and small commercial users. As noted in the Report, such classification has the effect of shifting part of the responsibility for recovery of ANGTS charges from high-load-factor to low-load-factor customers,⁸⁶ and this shift can, in turn, cause increases in costs which vary significantly as a function of load factor in the effective cost of gas service to individual customers. Although this notice

⁸⁶ "Load-factor" refers to the ratio of actual annual gas purchases to maximum possible gas purchases under the terms of a purchaser's gas supply contract. See Alaskan Delegate's Report at V-4, note 8 V-II, note 22.

proposes the formula recommended in the Report, the Commission recognizes that other formulae also may be justified. As stated earlier, several alternatives are discussed in the Report. These are summarized below.

b. *Alternative Formulae.* The Report summarizes the results of a study which compared the relative impact on a particular company's ⁸⁷ jurisdictional customers (characterized by rate schedule) of four alternative methods of classifying ANGTS charges: (1) 100 percent demand, (2) 50 percent demand and 50 percent commodity, (3) 25 percent demand and 75 percent commodity, and (4) 100 percent commodity.⁸⁸ The Report interprets the study as indicating that the increased revenue requirement for a given customer associated with the introduction of the ANGTS gas could vary according to the cost classification methodology and that customers with lower load factors are more affected by the cost classification methodology.

As stated in the report, there may be several ways of mitigating the load factor effect. One way is to classify all ANGTS charges as commodity. Another way is to classify ANGTS charges as demand, but to allocate these particular demand charges on a different basis than other demand charges. Specifically, if all ANGTS charges were classified as demand, but allocated among each customer group based on actual annual purchases, rather than on peak-period usage, then the cost impact associated with the introduction of the ANGTS gas would be the same to all customers, regardless of their relative load factors. Such an approach could use deferred accounting procedures whereby each customer's share of the ANGTS charges would be developed based on estimated sales volumes, and any over-recovery or under-recovery of ANGTS charges would subsequently be corrected with a surcharge or credit.⁸⁹

The Commission invites comments and suggestions on these and other alternative approaches to the classification of ANGTS charges in a shipper's rates. Specifically, because of the delicate balance required among the

⁸⁷ The company in question is a gas pipeline company under the Commission's jurisdiction and is currently identified as a potential ANGTS shipper.

⁸⁸ These alternatives cover the full range of possible alternatives of conventional cost classification. Other alternatives are, of course, possible but the results would fall within the range of results indicated by the examples.

⁸⁹ The deferred accounting procedure suggested in the Report is similar to the deferred accounting procedure prescribed in the proposed rule for a shipper to adjust its rates to recover pre-delivery ANGTS charges and to track changes in its ANGTS charges.

three considerations of debt security, declining demand component and proportional cost recovery as described in the Report, the Commission solicits comments on the relationship between assigning costs to demand and the terms on which financing can be obtained.

Also, the Commission invites prospective ANGTS shippers to supply studies similar to the one described in the Report for evaluation by the shipper's customers, state and local regulatory agencies, the Commission, and other interested parties.

3. *Cost Allocation.* Proposed § 154.207(c) would require that a shipper allocate its ANGTS charges between its jurisdictional and non-jurisdictional customers on the basis of the jurisdictional allocation factors approved by the Commission in the required section 4(e) general rate change proceeding. Furthermore, a shipper would be required to use these allocation factors in any subsequent proceeding to adjust rates to track changes in its ANGTS charges, until the Commission would approve new allocation factors, e.g., when a shipper would establish a new Base Tariff Rate. Without proposed § 154.207(c), a shipper would be required to establish the appropriate distribution of its ANGTS charges among its jurisdictional and non-jurisdictional customers each time it filed to adjust its rates to track changes in its ANGTS charges. Therefore, proposed § 154.207(c) would simplify a shipper's rate adjustment proceeding to track changes in ANGTS charges.

H. Filings to Track Changes in ANGTS Charges

1. *General Requirement.* Proposed § 154.208(a) would require that, once a shipper has established a Base Tariff Rate reflecting all ANGTS charges, volumes and revenues, it would thereafter adjust its rates, negatively or positively, to track changes in the jurisdictional portion of its ANGTS charges by means of rate adjustment filings. Such filings would be similar to purchased gas rate adjustment filings,⁹⁰ and, as such, would be less comprehensive than a section 4(e) general rate change filing. By proposing the requirement that rates be adjusted negatively, the Commission anticipates that a shipper's ANGTS charges could decrease (as investment costs are recovered and debt is repaid), and intends to ensure that a shipper's customers, and the ultimate consumers, would realize these decreases in a timely manner.

⁹⁰ See 18 CFR 154.38(d)(4)(iv).

Proposed § 154.208(a) would also prescribe a surcharge, negative or positive, that a shipper would include in its rates proposed to track changes in its ANGTS charges. By this surcharge, a shipper would recover undercollected amounts from, or return overcollected amounts to, its jurisdictional customers. Such amounts would have accumulated in a deferred account designated as the "Unrecovered ANGTS Charges Account" ⁹¹ in which the shipper would have recorded the difference between its charges and revenues during the preceding six-month accounting period. Proposed § 154.208(a) also would require a shipper to use the cost classification formula described in proposed § 154.207(b) in determining its rates to track changes in its ANGTS charges.

2. *Timing.* Proposed § 154.208(b) would require that filings to track changes in ANGTS charges be made semiannually. The Commission believes that this requirement may be necessary because more frequent filings might impose an undue financial and administrative burden on a shipper, its customers, the Commission's staff, the state and local regulatory agencies, and the ultimate consumers. The Commission also believes this requirement would ensure that a shipper adjust its rates at least twice a year in the event its ANGTS charges decrease.

Proposed § 154.208(b) would also require that a shipper make its filings to track changes in ANGTS charges at the same time that it makes its filings to track changes in its purchased gas costs ("PGA filing").⁹² The Commission recognizes that these dates may not coincide with the dates on which the project sponsors would adjust their rates to reflect any changes in their cost-of-service ("billing adjustment dates")⁹³ and consequently the dates on which they bill the shippers. However, requiring a shipper to coincide its filing to track changes in ANGTS charges with the project sponsors' billing adjustment dates could result in a shipper adjusting

⁹¹ The accounts described in the proposed rule cross-refer to the Commission's Uniform System of Accounts (18 CFR Part 201).

⁹² See 18 CFR 154.38(d)(4)(iv)(a).

⁹³ As noted in the Alaskan Delegate's Report at VI-1, the tariffs approved by the Commission in Order No. 31 for the project sponsors of the Alaskan pipeline segment and the Eastern Leg provide for the project sponsors "to estimate their cost-of-service for 6-month periods and bill the shippers in amounts which remain constant for each month within the periods. The [project sponsors] then adjust their cost of service estimates twice a year to reflect the changes in their actual costs." The billing adjustment dates for the project sponsors for the Alaskan pipeline segment and the Eastern Leg, as well as for the Canadian pipeline segment, are January 1 and July 1.

its rates four times per year. The Commission believes that this prospect is undesirable because it could be disruptive to the billing procedures of a shipper and its customers and could cause unnecessary administrative and financial burdens.

The Commission realizes that by not synchronizing a shipper's tracking filing dates with the project sponsors' billing adjustments dates, a shipper's ANGTS charges might change before that shipper may or must adjust its rates to track those changes, and that consequently a shipper could over-recover or under-recover its ANGTS charges during any given period. Therefore, the proposed rule would require that a shipper maintain certain accounts and defer any differences, positive or negative, between its expenses and revenues related to ANGTS charges, and compute carrying charges on any deferred amounts. The Commission believes that these proposed requirements would negate the effect of the time value of money realized by a shipper or its customers because of any over-recovery or under-recovery of ANGTS charges during a given period.

The Commission also recognizes that a shipper might elect not to adjust its rates to track changes in its purchased gas costs through PGA filings,⁹⁴ or that a shipper might make its PGA filings annually. Proposed § 154.208(b) would provide for both possibilities by requiring that in either event a shipper propose semi-annual dates for tracking changes in its ANGTS charges when it files its ACR Clause with the Commission.

3. *Separate Computation.* Proposed § 154.208(c) would require that a shipper compute its rate adjustments separately for each of the project sponsors, and use the net sum of these separately computed rate adjustments to track changes in its ANGTS charges. This proposed requirement would assist the Commission and its staff in verifying the accuracy of the total rate adjustment by comparing the separately computed rate adjustments with the corresponding project sponsors' cost-of-service and tariff provisions.

4. *Threshold Amount.* Proposed § 154.208(d) would require that a shipper adjust its rates to track changes in the jurisdictional portion of its ANGTS charges only if such rate adjustment would equal or exceed a level (either a stated dollar amount or a rate-adjustment amount) specified in the shipper's approved ACR Clause. This proposed requirement would allow a

shipper to avoid adjusting its rates if the dollar amount or the resulting rate adjustment would be *de minimis*.

5. *Accounting Procedures.* Proposed § 154.208(e) would delineate certain requirements for the maintenance and use of designated subaccounts in which a shipper would record its ANGTS charges ("ANGTS Charges Account") and defer any differences, positive or negative, between its charges and revenues ("Unrecovered ANGTS Charges Account"). The purpose of the deferred accounting procedures prescribed in the proposed rule, which are similar to the accounting procedures prescribed for tracking changes in purchased gas costs,⁹⁵ would be to assure, as far as feasible, a matching of costs and revenues and to prevent any overcollection or undercollection of costs by a shipper over time.

The Commission recognizes that the deferral of ANGTS charges for book purposes may create a timing difference between the period during which ANGTS charges enter into the determination of taxable income and the period during which the charges enter into the determination of pretax book income. Accordingly, the proposed rule would require that a shipper adopt the principles of interperiod income tax allocation in connection with amounts recorded in the "Unrecovered ANGTS Charges Account," with the resulting tax effects recorded in Account 283, Accumulated Deferred Income Taxes—Other, or Account 190, Accumulated Deferred Income Taxes, as applicable, in accordance with the provisions of those accounts.

6. *Carrying Charges.* In general, proposed § 154.208(f) would require a shipper to compute carrying charges on amounts accumulated in its "Unrecovered ANGTS Charges Account". The effect of this proposed requirement is twofold. First, it would protect a shipper's customers in the event that a shipper collects more than its charges in a given period, because the customers would realize the carrying charges in the surcharge calculated to return the over-recovered amounts in the "Unrecovered ANGTS Charges Account". Second, the proposed requirement would benefit a shipper in the event the shipper does not collect all of its charges in a timely fashion, because the shipper would realize the carrying charges in the surcharge calculated to recover under-recovered amounts in the "Unrecovered ANGTS Charges Account".

Specifically, proposed § 154.208(f) would prescribe a procedure for a

shipper to compute and treat carrying charges which is similar to the procedure used to compute and treat carrying charges on unrecovered purchased gas costs.⁹⁶ One difference, however, would be that carrying charges would be computed monthly on the daily average balances, as opposed to the ending balances, properly recorded in the "Unrecovered ANGTS Charges Account". The Commission believes the proposed requirement of an average daily balance computation is important and appropriate for ANGTS charges recovery because it would better account for the time value of a shipper's over-recovered or under-recovered ANGTS charges.

Proposed § 154.208(f) would prescribe the rate for the computation of carrying charges. The proposed rate would be the rate used to compute the interest on pipeline refunds,⁹⁷ which is the same rate used to compute carrying charges on unrecovered purchased gas costs. In brief, this rate would be the current average prime interest rate.

7. *Posting, Service and Verification Requirements.* Proposed § 154.207(g) would prescribe posting, service and verification requirements for filings to track changes in ANGTS charges. The Requirement would be that, at least 30 days before the proposed effective date of any rate adjustment to track such changes, a shipper post⁹⁸ a tariff sheet showing the current rate adjustment, cumulative rate adjustment, and current surcharge for ANGTS charges.⁹⁹ Simultaneously with this posting, a shipper would be required to file with the Commission a report containing detailed computations clearly showing the derivation of the shipper's current adjustment and the surcharge to be applied to its existing rates. At the same time, the shipper would be required to furnish this report to its jurisdictional customers and interested state and local regulatory agencies. These proposed requirements are similar to those for PGA filings to track changes in purchased gas costs.¹⁰⁰

⁹⁴ See 18 CFR 154.38(d)(4)(iv)(c).

⁹⁵ See 18 CFR 154.67(d)(2)(iii)(A).

⁹⁶ Section 154.16 of the Commission's regulations defines "posting" as "(a) making a copy of a natural-gas company's tariff and contracts available during regular business hours for public inspection in a convenient form and place at the natural-gas company's offices where business is conducted with affected customers and (b) mailing to each customer affected a copy of such tariff or part thereof at the time it is sent to Commission for filing."

⁹⁷ An appendix to the proposed rule is a sample tariff sheet that a shipper could use in its filings to track changes in its ANGTS charges, as well as in its other ANGTS rate filings.

¹⁰⁰ See 18 CFR 154.38(d)(2)(iv)(c).

⁹⁴ See 18 CFR 154.38(d)(4)(ix).

⁹⁵ See 18 CFR 154.38(d)(4)(iv)(b).

However, unlike the PGA regulations, proposed § 154.208(g) would not specify by way of an exhibit the detailed information necessary to verify the accuracy of the proposed rate adjustment. The Commission believes that the proposed rule need not be more specific because a shipper's rate adjustment would result from the charges billed by the project sponsors pursuant to tariffs approved by the Commission or the NEB. In other words, the main task of verification would be to determine whether the shipper's proposed rate adjustments are accurately derived from previously approved project sponsor tariffs and are computed pursuant to the shipper's approved ACR Clause.

8. *Suspension Period.* Proposed § 154.208(h) would provide for a suspension of the effectiveness of the change in a shipper's rate(s) for not more than one day. In certain instances, as with the Commission's treatment of purchased gas rate adjustments, the Commission has found it appropriate to suspend proposed rates for a period less than the maximum five-month statutory period. In this proposed rule, the Commission believes that a suspension for more than one day might produce harsh and inequitable results. Because the proposed rule would authorize the tracking, pursuant to an approved ACR Clause, or changes in ANGTS charges, computed pursuant to a tariff approved by the Commission or the NEB, the Commission believe this shortened period is justified.

I. Filing to Restate Base Tariff Rate

1. *General Requirements.* Proposed § 154.209(a)(1) would require a shipper to make a filing to restate its Base Tariff Rate 36 months after it establishes a Base Tariff Rate which reflects ANGTS charges, volumes and revenues ("36-month anniversary date"). In other words, the Base Tariff Rate which the proposed rule would require a shipper to establish before it could recover its ANGTS charges and track changes in its ANGTS charges would be subject to subsequent, periodic review by the Commission. This proposed requirement would assure that a reasonable cost-revenue balance is maintained in a shipper's rates.

The proposed filing to restate a Base Tariff Rate, or the 36-month review filing, would be similar to the 36-month review filing required for tracking changes in purchased gas costs.¹⁰¹ As

such, it would require a cost and revenue study based on actual costs for the twelve months of most recently available experience, provided that the 12-month period ends not more than 4 months prior to the expiration of the 36-month period. It would also permit annualization of changes that actually occurred during the 12 months.

The Commission recognizes that in the interim between a filing to establish a Base Tariff Rate and a filing to restate a Base Tariff Rate, one of the following three actions could occur. First, a shipper might make a general rate change filing under section 4(e) of the NGA. Second, the Commission might institute a proceeding under section 5(a) of the NGA.¹⁰² Third, a shipper could establish a new Base Tariff Rate pursuant to the PGA regulations. Consequently, proposed § 154.209(a)(2) would provide for a new 36-month period to commence when the Base Tariff Rate established in any one of these proceedings would become effective.

2. Cost and Revenue Study

Alternative. Proposed § 154.209(b) would provide that if a shipper has a pending section 4(e) filing or section 5(a) case, the shipper could use a cost and revenue study prepared for either proceeding in its filing to restate its Base Tariff Rate. This alternative would be qualified in two ways. First, the study must have a test period ending less than 12 months prior to a shipper's 36-month anniversary date. Second, the study must include or be adjusted to include the effects of volumes and revenues attributable to the ANGTS as well as ANGTS charges.

3. Filing Service Requirements.

Proposed § 154.209(c) would require that a shipper serve the study filed with the Commission to support the restatement of its Base Tariff Rate on its jurisdictional customers and interested state and local regulatory agencies concurrently with the shipper's filing of the study with the Commission. A filing to restate a Base Tariff Rate would not require that the tariff sheet restating the Base Tariff Rate be posted pursuant to § 154.16 of the Commission's regulations, as would as required for the filings to track changes in ANGTS charges, because, unlike an ANGTS

tracking filing, a filing to restate a Base Tariff Rate does not necessarily entail a rate adjustment.

4. *Refunds.* When a shipper makes a filing to restate its Base Tariff Rate and submits a cost and revenue study to support its restated Base Tariff Rate, the Commission might find that a shipper's jurisdictional cost-of-service was less than its jurisdictional revenues. In that event, as prescribed in proposed § 154.209(d), a shipper would be required to refund to its jurisdictional customers, with interest, the difference between its jurisdictional costs and revenues. Any refund would be limited, however, to amounts collected in excess of the previously established Base Tariff Rate. Any rate reduction below the old Base Tariff Rate would be prospective from the date the new restated Base Tariff Rate became effective pursuant to a final Commission order. A similar refund obligation is required of a pipeline when its Base Tariff Rate is reviewed by the Commission for continued authorization to track changes in its purchased gas costs through PGA filings.¹⁰³

a. *ACR Clause Requirement.* Proposed § 154.209(d)(1) would require that a shipper state its agreement in its ACR Clause that its restated Based Tariff Rate would automatically be subject to refund from the date the rates proposed in that filing would be permitted by the Commission to become effective until the date of the Commission's final order approving an agreement in regard to or determining a new Base Tariff Rate. By proposing this requirement, the Commission recognizes that a filing to restate a Base Tariff Rate would not be a rate change filing under section 4(e) of the NGA, and consequently, would not be subject to the refund provisions of that statutory section.

b. *Refund Procedure.* Proposed § 154.209(d)(3) would require a shipper to make refunds to its customers according to the manner, timing, reporting requirements and threshold amounts specified in its ACR Clause. By this proposed requirement, the Commission recognizes that the particular procedure for making a refund might depend on the amounts and types of customers involved, and the contractual arrangements between a shipper and its customers. In consideration of these factors, a shipper might make a refund in a variety of ways, e.g., by a direct separate payment to its customers or by an adjustment to subsequent billings to its customers. The Commission believes that different

¹⁰² Section 5(a) of the NGA authorizes the Commission to institute a proceeding on its own initiative, to consider the justness and reasonableness of a shipper's rates and tariffs, and to determine new rates or tariff provisions if the existing ones are determined to be "unjust, unreasonable, unduly discriminatory, or preferential." Such changes can only be prospective; in a Section 5 proceeding the Commission cannot suspend rates or order refunds.

¹⁰¹ See 18 CFR 154.38(d)(4)(vi).

¹⁰³ See 18 CFR 154.38(a)(4)(vi)(c).

procedures might be appropriate for different shippers making refunds to different types of customers for different amounts. Therefore, the proposed rule, rather than specifying the procedure to be followed for every possible combination of factors, would require that a shipper specify in its ACR Clause procedures it would be for particular situations and then follow those procedures if and when that shipper must make a refund to its jurisdictional customers.

c. Computation of Interest on Refunds. Proposed § 154.209(d)(4) would require that a shipper compute interest on refunds in the same manner and at the same rate prescribed in § 154.208(f) for computing carrying charges on amounts accumulated in its Unrecovered ANGTS Charges Account.

J. Refunds From Project Sponsors

As a shipper might be required to make a refund to its customers, so a project sponsor might be required to make a refund to a shipper. In that event, proposed § 154.210(a) would require that a shipper flow through to its jurisdictional customers the jurisdictional portion of those refunds, including any interest received. This requirement is similar to the one in the PGA regulations for a pipeline to flow through refunds received from its suppliers.¹⁰⁴

Proposed §§ 154.210(b) and 154.210(c) would require a shipper to: (1) flow through refunds received from the project sponsors according to the manner, timing, reporting requirements and threshold amounts specified in its ACR Clause and (2) compute interest on these refunds in the same manner and at the same rate prescribed for computing carrying charges accumulated in the Unrecovered ANGTS Charges Account. These proposed sections are similar to proposed §§ 154.209(d)(3) and 154.209(d)(4). However, in regard to the procedure to flow through refunds from project sponsors, proposed § 154.210(b) would require that a shipper seek prior Commission approval of the procedure to flow through any refunds attributable to a total cessation of service.¹⁰⁵ The Commission believes that this proposed requirements is necessary because the nature, magnitude and timing of any such refund would be too unpredictable for a shipper to specify a procedure in its ARC Clause.

K. Line Pack Gas Costs

The Commission recognizes, as it did in Order No. 31, that shippers will incur substantial costs in providing natural gas to pack the pipeline segments of the ANGTS so their gas can be transported, and that it is important that the shippers be able to recover the costs actually incurred.¹⁰⁶ The Commission also realizes that as new shippers begin to use the ANGTS, the ownership of the line pack gas would change, causing line pack gas costs to be reflected inaccurately in the original shipper-owners' rates. Therefore, any method to recover ANGTS charges should "provide for an adjustment when a shipper's line pack obligation changes (either increases or decreases) with attendant changes in cost."¹⁰⁷

On the basis of these considerations, proposed § 154.211 would require that in any filing to establish its Base Tariff Rate and in any subsequent filing to restate its Base Tariff Rate, a shipper demonstrate that its line pack gas costs are properly accounted for and properly reflected in its rates. The proposed rule would further require that, in the event a shipper's volume of line pack gas decreases from the volume of line pack gas previously reflected in its rates, a shipper demonstrate that appropriate restitution has been provided for any excess revenues collected from its jurisdictional customers.

L. Separate Tracking of ANGTS Charges and Purchased Gas Costs

Proposed § 154.212 would require that a shipper maintain separate tariff provisions for tracking changes in its ANGTS charges and for tracking changes in its purchased gas costs attributable to Alaska natural gas. This proposed requirement would be consistent with the Commission's regulations which preclude the inclusion of costs in PGA adjustments other than costs for natural gas.¹⁰⁸ The Commission prescribed a similar provision for shippers of the "pre-build" portion of the ANGTS.¹⁰⁹

M. Election of an ACR Clause

Proposed § 154.213(a) would require a shipper to elect once every three years whether to recover changes in its ANGTS charges through tracking filings or through section 4 general rate change filings. This proposal is similar to the election that a natural gas pipeline company must make triennially in

regard to it recovery of charges in purchased gas costs through a PGA clause.¹¹⁰ It is different from the PGA regulations, however, inasmuch as proposed § 154.213(a) would make the election to opt out of tracking subject to Commission approval whereas § 154.38(d)(4)(ix) does not so provide.

The Commission believes that the opportunity to elect between tracking and general rate change filings would benefit a shipper because interminable tracking may impose unnecessary rate filing requirements on the shipper after the early years of ANGTS operation. At that time, the changes in a shipper's ANGTS charges may be such that tracking would no longer be necessary to provide certainty of revenue flow to the shipper, who consequently may prefer to make less frequent rate change filings. Also, for example, if the ANGTS charges to a shipper remained essentially constant because of some form of "levelized tariff", there may be no necessity or justification for tracking from the perspective of either the shipper or its customers.

Conversely, the Commission believes the provision that the election to opt out of tracking be subject to Commission approval would be in the public interest because it would enable the Commission to limit a shipper's ability to opt out of tracking in the event tracking would provide greater assurance to a shipper's customers that they would realize any decreases in ANGTS charges in a timely fashion. Also, the Commission believes that the proposed rule should not (and it does not) make the election of a shipper to continue tracking subject to Commission approval, because such a provision may impair the assured flow of timely payments provided by tracking and thereby complicate financing of the ANGTS.

Proposed § 154.213(b) would set forth the procedure that a shipper would follow in electing between tracking filings (ACR Clause option) and general rate change filings (non-ACR Clause option). The option elected by the shipper would be effective for an entire election period. An election period would be a three year calendar period to commence coincidentally with a shipper's approved effective date of its first semiannual tracking rate adjustment of every third year. In other words, if a shipper's approved effective dates for its tracking adjustments were February 1 and August 1, then an election period would commence on February 1. The first election period

¹⁰⁴ See Order No. 31, *supra* note 19, *mimeo.* at 211.

¹⁰⁷ *Id.*

¹⁰⁸ See 18 CFR 154.38.

¹⁰⁹ See April 28, 1980 Northern Border order, *supra* note 22, at 61,187 and *mimeo.* at 129.

¹¹⁰ See 18 CFR 154.38(d)(4)(ix).

¹⁰⁵ See 18 CFR 154.38(d)(4)(vii).
¹⁰⁶ See Order No. 31, *supra* note 19, *mimeo.* At 174-183 for a discussion of cessation of service.

would commence on the approved effective date of a shipper's first semiannual tracking rate adjustment of the fourth year following the year in which a shipper first tracked changes in its ANGTS charges. A shipper would be required to make its election on or before the first day of the month preceding a new election period by filing revised tariff sheets. In the event a shipper was operating under the ACR-Clause option and did not file revised tariff sheets, it would be considered to have renewed its ACR-Clause option for the next election period.

Proposed § 154.213(c) would describe the effect of a shipper's election between the ACR-Clause option and the non-ACR-Clause option. If a shipper elects the ACR-Clause option, a shipper would be limited to recovering changes in its ANGTS charges through tracking filings for the following election period. A shipper would also be so limited if the shipper elects the non-ACR-Clause option and the Commission does not approve such election. If a shipper elects the non-ACR-Clause option and the Commission approves such election, the shipper would be limited to recovering changes in its ANGTS charges through general rate change filings for the following election period.

IV. Initial Regulatory Flexibility Analysis

Section 603 of the Regulatory Flexibility Act ¹¹¹ (RFA) requires the Commission to include in a Notice of Proposed Rulemaking an Initial Regulatory Flexibility Analysis (IRFA) describing the impact on small entities, unless the Commission certifies pursuant to section 605(b) that the proposed rule would not have a significant economic impact on a substantial number of small entities.

As discussed earlier in this preamble, the Commission in this Notice of Proposed Rulemaking is considering adoption of a cost recovery mechanism for shippers of Alaska natural gas through the ANGTS. The primary objective of the proposed rule is to structure a mechanism that assures an ANGTS shipper of cost recovery but guards against any over-recovery or under-recovery of that shipper's costs. The legal basis for the proposed rule is the Commission's authority to establish a ratemaking device under the NGA, as supplemented by ANGTA and the President's *Decision* and as modified by the President's *Waiver*. The proposed rule would not duplicate, overlap or conflict with any other Federal rules, nor would it directly impose any

reporting, recordkeeping, or compliance burdens on small entities.

The proposed rule applies to ANGTS shipper, which are not themselves within the RFA's three-part definition of "small entity." ¹¹² The ANGTS and ANGTS transactions were described earlier in this preamble, and the smallest prospective ANGTS shipper identified to date is expected to purchase and transport 21.9 billion cubic feet of gas annually. ¹¹³

The proposed rule would also require a shipper to classify its ANGTS charges according to a prescribed formula that divides these charges between the demand and commodity components of its rates. Under some circumstances, it is possible that the assignment of some ANGTS charges to the demand component of a shipper's rates may result in low-load factor customers paying a higher per unit cost of gas than high-load factor customers. As a result, the proposed rule may have an economic impact on some small entities that are low-load factor customers. However, the magnitude of the impact on low-load versus high-load factor customers, and the size and number of customers in those two groups, are difficult to ascertain at this time. ¹¹⁴ By proposing this rule, the Commission is seeking to collect data and comments from prospective ANGTS shippers and their customers on these subjects.

In addition, this proposed rule provides for the actual rates to be set in adjudicatory proceedings in which inequitable impacts on classes of customers including those that may be small entities, can be fully explored and, to the extent appropriate, ameliorated. Thus, actual economic impacts on small entities would not directly result from this proposed rule, but would be the product of case-by-case rate determinations before the Commission.

As described in the preamble, the Commission is aware of alternatives to the cost classification part of the proposed rule. One significant alternative is the classification of ANGTS costs to the demand component of a shipper's rates but recovering these particular costs based on the customer's actual annual purchases, rather than on peak-period purchases. The major drawback to this alternative is that it is unclear whether a shipper would be assured of prompt cost recovery. If shippers cannot be assured of such cost

recovery then neither can the project sponsors and their financial backers. Without such assurance, the ANGTS might not be constructed, and the primary purpose of Congress in enacting ANGTA would be frustrated. Congress specifically found that the expeditious construction of a viable natural gas transportation system for the delivery of Alaska natural gas to the United States is in the national interest. ¹¹⁵ Accordingly, any significant alternative to the proposed rule should enhance, rather than diminish, the probabilities that the ANGTS project will proceed expeditiously.

V. Written Comment Procedures

The Commission invites initial and reply comments on all aspects of this proposal. Interested persons may file initial and reply comments on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission 825 North Capitol Street, NE., Washington, D.C. 20426. Initial comments must be submitted on or before December 3, 1982. Reply comments must be submitted January 17, 1983. Each person submitting an initial or reply comment should indicate that the comment is being submitted in Docket No. RM81-21-000 and should give reasons including any supporting data for any recommendations. Comments should also indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments on this rulemaking will be placed in the Commission's public files and will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20436.

(Natural Gas Act, as amended, 16 U.S.C. 717-717w; Alaska Natural Gas Transportation Act, 15 U.S.C. 719-719c; Pub. L. 95-158, 91 Stat. 1268 (1977); Pub. L. 97-93, 95 Stat. 1204 (1981); Department of Energy Organization Act, 42 U.S.C. 7107-7352; E.O. 12009, 3 CFR 142 (1978)).

List of Subjects in 18 CFR Part 154

Natural gas.

In consideration of the foregoing, the Commission proposes to amend Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

¹¹¹ See 5 U.S.C. 601.

¹¹² See Alaskan Delegate's Report, at I-12.

¹¹³ Although RFA does not require the Commission to consider the impact of the proposed rule on non-jurisdictional small entities, the Commission seeks comments on the economic impact of this proposal.

¹¹⁵ See 5 U.S.C. 719.

¹¹¹ 5 U.S.C. 601-612.

By direction of the Commission.
Kenneth F. Plumb,
Secretary.

1. Part 154 is amended in its table of contents, by adding in the appropriate numerical order, a new heading and new sections to read as follows:

PART 154—RATE SCHEDULES AND TARIFFS

Recovery of Alaska Natural Gas Transportation System Charges

- Sec.
- 154.201 Applicability.
 - 154.202 Definitions.
 - 154.203 Recoverable ANGTS Charges.
 - 154.204 General Rule.
 - 154.205 ACR Clause Requirement.
 - 154.206 Filing to Recover Pre-delivery ANGTS Charges.
 - 154.207 Filing to Recover ANGTS Charges.
 - 154.208 Filing to Track Changes in ANGTS Charges.
 - 154.209 Filing to Restate Base Tariff Rates.
 - 154.210 Refunds from Project Sponsors.
 - 154.211 Line Pack Gas Costs.
 - 154.212 Separate Tracking of ANGTS Charges and Purchased Gas Costs.
 - 154.213 Election of an ACR Clause.

2. Part 154 is amended by adding a new heading and new sections to read as follows:

Recovery of Alaska Natural Gas Transportation System Charges

§ 154.201 Applicability.

Sections 154.202 through 154.213 apply to a shipper seeking to recover charges incurred for the conditioning and transportation of Alaska natural gas through the Alaska Natural Gas Transportation System for sale in the contiguous-48 states of the United States. These sections also apply to a shipper seeking to recover charges incurred for the conditioning and transportation of Alaska natural gas through the Alaska Natural Gas Transportation System for sale in Alaska, to the extent that such sale is within the Commission's jurisdiction.

§ 154.202 Definitions.

For purposes of §§ 154.203 through 154.213:

(a) "Alaska natural gas" has the same meaning as in section 4(1) of the Alaska Natural Gas Transportation Act, 15 U.S.C. 719(4)(1): Natural gas derived from the area of the State of Alaska generally known as the North Slope of Alaska, including the Continental Shelf of the North Slope of Alaska.

(b) "Alaska Natural Gas Transportation System" ("ANGTS") means the gas conditioning facility at Prudhoe Bay, Alaska, for the conditioning of Alaska natural gas

("Alaska Gas Conditioning Plant Segment") and the pipeline system for the transportation of Alaska natural gas from the Prudhoe Bay area of Northern Alaska through Alaska ("Alaskan Pipeline Segment") and Canada ("Canadian Pipeline Segment") into the Midwestern ("Eastern Leg") and Western ("Western Leg") sections of the contiguous-48 states of the United States.

(1) As designated for approval in the *Decision and Report to Congress on the Alaska Natural Gas Transportation System* (Executive Office of the President, Energy Policy and Planning, September 1977) ("President's Decision"), approved by Joint Resolution of Congress, H.R.J. Res. 621, Pub. L. 95-158, 91 Stat. 1268 (1977), and

(2) As further designated in the *President's Findings and Proposed Waiver of Law* (October 15, 1981) ("President's Waiver"), approved by Joint Resolution of Congress, S.J. Res. 115, Pub. L. 97-93, 95 Stat. 1204 (1981).

(c) "ANGTS charges" means amounts billed by the project sponsors to a shipper that are properly attributable to the construction and operation of the ANGTS for the conditioning and transportation of Alaska natural gas.

(d) "ANGTS Charges Recovery Clause" ("ACR Clause") means a clause, incorporated in a shipper's FERC Gas Tariff, that sets forth the terms and conditions for recovering ANGTS charges.

(e) "Base Tariff Rate" means the effective rate on file with the Commission, excluding adjustments, effected pursuant to a shipper's ACR Clause.

(f) "Initial investment" means the investment in those facilities that are complete and capable of operation when the project sponsors' tariffs are allowed to commence.

(g) "Jurisdictional portion" means that portion of the ANGTS charges that are properly attributable to a shipper's jurisdictional services, as determined pursuant to the shipper's ACR Clause and approved by the Commission.

(h) "Minimum bill" means actual operation and maintenance expenses; actual current taxes, exclusive of income taxes; and amounts necessary to service debt, including interest and scheduled retirement of debt.

(i) "National Energy Board" ("NEB") means the National Energy Board of Canada established by the National Energy Board Act, Can. Rev. Stat. c. N-6 (1970).

(j) "Project sponsors" means the owners and operators of the ANGTS, or their successors, as designated for the Alaska Gas Conditioning Plant Segment,

the Alaskan Pipeline Segment, the Western Leg and the Eastern Leg in the President's *Decision*, as modified by the President's *Waiver*, and as designated for the Canadian Pipeline Segment in the Northern Pipeline Act of 1978, 26-27 Eliz. II, c. 20.

(k) "Prudhoe Bay Producing Unit in Alaska" means the gas producing geographic area defined in section 2(36) of the Natural Gas Policy Act, 15 U.S.C. 3302(36).

(l) "Shipper" means a person who has an executed service agreement with one or a combination of the project sponsors for the conditioning and transportation of Alaska natural gas through the ANGTS.

(m) "Track" means to flow through to a shipper's jurisdictional customers the jurisdictional portion of ANGTS charges incurred by the shipper.

§ 154.203 Recoverable ANGTS Charges.

(a) A shipper's rate shall reflect only the jurisdictional portion of the shipper's ANGTS charges that are prudently incurred. The Commission will deem ANGTS charges prudently incurred if:

(1) Such charges from the Alaska Gas Conditioning Plant Segment, the Alaska Pipeline Segment, the Eastern Leg and the Western Leg are properly computed pursuant to tariffs approved by the Commission; and

(2) Such charges from the Canadian Pipeline Segment are:

(i) Properly computed pursuant to tariffs approved by the NEB, and

(ii) Consistent with the provisions of the Agreement between the Government of the United States and the Government of Canada Concerning Transit Pipelines, 28 U.S.T. 7449, T.I.A.S. No. 8720 (Transit Pipeline Treaty) and the Agreement between the United States of America and Canada on Principles Applicable to a Northern Natural Gas Pipeline (Agreement on Principles), incorporated in the President's *Decision*.

(b) A shipper shall provide the Commission with a certified copy of any tariff or any modifications or changes to any tariff approved by the NEB relating to any ANGTS charges from the Canadian Pipeline Segment that are reflected in the shipper's rates. A shipper shall provide the certified copy of any such NEB-approved tariff the first time that the shipper proposes rates reflecting ANGTS charges from the Canadian Pipeline Segment, and thereafter any modifications or changes to such tariff when the shipper makes any rate filings with the Commission involving ANGTS charges from the Canadian Pipeline Segment.

(c) If a shipper's rates reflect ANGTS charges that satisfy the condition prescribed in paragraph (a)(2)(i) of this section, the Commission will presume that such charges also satisfy the condition prescribed in paragraph (a)(2)(ii) of this section, unless the reflection of such charges in the shipper's rates is challenged in a timely manner in accordance with the Commission's Revised Rules of Practice and Procedure.

(d) The Commission will not disallow any ANGTS charges from the Canadian Pipeline Segment in a shipper's rates, or order any refund of such ANGTS charges, on the basis that such charges do not satisfy the conditions prescribed in paragraphs (a)(2)(i) and (a)(2)(ii) of this section, unless and until the matter has been resolved through:

(1) Consultation with the NEB pursuant to the provisions of Paragraph 9 of the Agreement on Principles, and thereafter, if necessary,

(2) Diplomatic negotiation and, if necessary, arbitration pursuant to the provisions of Article IX of the Transit Pipeline Treaty.

§ 154.204 General Rule.

A shipper may recover the jurisdictional portion of its ANGTS charges incurred prior to the delivery of Alaska natural gas by adjusting its rates pursuant to filings prescribed in § 154.206 of this chapter. After delivery of Alaska natural gas commences, a shipper may track changes in the jurisdictional portion of its ANGTS charges pursuant to filings prescribed in § 154.208 of this chapter, provided the shipper first makes a filing pursuant to § 154.207 of this chapter to establish a Base Tariff Rate and periodically restates its Base Tariff Rate pursuant to filings prescribed in § 154.209 of this chapter. If a shipper chooses to track changes in the jurisdictional portion of its ANGTS charges, the shipper shall continue to track until the shipper elects, pursuant to § 154.213 of this chapter, to recover such changes through general rate change filings under section 4 of the Natural Gas Act. Any election to discontinue tracking shall be subject to approval by the Commission.

§ 154.205 ACR Clause Requirement.

A shipper may recover ANGTS charges pursuant to § 154.206 of this chapter and track changes in its ANGTS charges pursuant to § 154.208 of this chapter if the shipper has filed with the Commission an ACR Clause and the Commission has approved the ACR Clause. The Commission will consider approving a proposed ACR Clause if that clause sets forth provisions for

implementing the requirements and procedures specified in §§ 154.206 through 154.213 of this chapter. A shipper may file its proposed ACR Clause at any time after [the effective date of the final rule in this proceeding].

§ 154.206 Filing to Recover ANGTS Charges Incurred Prior to Delivery of Alaska Natural Gas.

(a) *General Rule.* In the event and to the extent the Commission and/or the NEB approves the billing of ANGTS charges by the project sponsors within their respective jurisdictions prior to the commencement of delivery of Alaska natural gas ("pre-delivery ANGTS charges"), a shipper may recover the jurisdictional portion of such charges upon incurrence by adjusting its rate(s) pursuant to filings made in accordance with the terms and conditions of this section and the shipper's approved ACR Clause: *Provided, however,* recovery of pre-delivery ANGTS charges from the Canadian Pipeline Segment may commence only upon completion and testing of that segment, so that it is proved capable of operation, and not before a date certain, as determined (in consultation with the Federal Inspector) by the Commission in issuing a final certificate for the ANGTS, to be the most likely date for the ANGTS to begin operation, within the meaning of the President's Waiver.

(b) *Terms and Conditions.* (1) A shipper shall file any rate adjustment to recover the jurisdictional portion of pre-delivery ANGTS charges at the same time that the shipper files a rate adjustment to reflect changes in its purchased gas costs ("PGA filing") pursuant to § 154.38(d)(f)(iv)(a) of this chapter, unless otherwise prescribed by the Commission.

(2) At a shipper's first scheduled PGA filing following the initial incurrence of pre-delivery ANGTS charges, the shipper shall adjust its existing tariff rates to include a current adjustment to recover projected pre-delivery ANGTS charges, if any, and a surcharge to recover the amounts which have accumulated in the Unrecovered Pre-delivery ANGTS Charges Account, which is described in paragraph (b)(5) of this section.

(3) At each succeeding PGA filing until that PGA filing immediately following the effective date of a Base Tariff Rate established pursuant to a filing prescribed in § 154.207 of this chapter, a shipper shall adjust its existing tariff rates to recover projected pre-delivery ANGTS charges and a surcharge to recover or return the amounts which have accumulated in the

Unrecovered Pre-delivery ANGTS Charges Account.

(4) A shipper shall calculate the current adjustment and the surcharge using the jurisdictional allocation factors and procedures it uses to recover changes in the commodity component of its purchased gas costs, and shall recover the current adjustment and the surcharge through the commodity component of its existing tariff rates.

(5) A shipper shall maintain separate subaccounts for pre-delivery ANGTS charges and unrecovered pre-delivery ANGTS charges as specified in the following procedures. A shipper shall:

(i) Record the portion of the pre-delivery ANGTS charges to be recovered from jurisdictional sales customers in a separate subaccount of Account No. 858, Transmission and Compression of Gas by Others (18 CFR Part 201) designated as the "Pre-delivery ANGTS Charges Account."

(ii)(A) Credit or debit, as appropriate, no less than monthly, the Pre-delivery ANGTS Charges Account with the pre-delivery ANGTS charges incurred for the period, recoverable from jurisdictional customers, that are in excess of or less than the applicable amounts recovered during the period through the application of approved rate schedules, and

(B) Debit or credit, as appropriate, a separate subaccount of Account No. 186, Miscellaneous Deferred Debits (18 CFR Part 201), designated as the "Unrecovered Pre-delivery ANGTS Charges Account." Separate subaccounts of the Unrecovered Pre-delivery ANGTS Charges Account shall be maintained for each six-month period in which excesses or deficiencies are recorded.

(iii) Amortize to the Pre-delivery ANGTS Charges Account, over the appropriate six-month period, the amounts, either positive or negative, including carrying charges, accumulated in the Unrecovered Pre-delivery ANGTS Charges Account coincidental with the recovery or return, as applicable, of such amounts through the application of an approved surcharge.

(iv) Carry forward to the next succeeding surcharge period any remaining balance in the Unrecovered Pre-delivery ANGTS Charges Account for recovery or return, as applicable, in that period.

(v) Adopt the principles of interperiod income tax allocation applicable to the amounts deferred in the Unrecovered Pre-delivery ANGTS Charges Account by deferring the appropriate tax effect of such amounts in Account 190, Accumulated Deferred Income Taxes (18

CFR Part 201) or Account 283, Accumulated Deferred Income Taxes—Other (18 CFR Part 201), as applicable.

(6) A shipper shall compute carrying charges on amounts deferred in the Unrecovered Pre-delivery ANGTS Charges Account in the manner and at the rate prescribed in § 154.208(f) of this chapter.

(7) A shipper shall follow the same posting, service and verification requirements prescribed in § 154.208(g) of this chapter.

(8) Upon the commencement of delivery of Alaska natural gas through the ANGTS and the commencement of accounting for ANGTS charges associated with the delivery of Alaska natural gas, a shipper shall transfer any balances remaining in the Unrecovered Pre-delivery ANGTS Charges Account to a separate subaccount of Account No. 186, Miscellaneous Deferred Debits (18 CFR Part 201), designated as the "Unrecovered ANGTS Charges Account," described in § 154.208(e) of this chapter.

§ 154.207 Initial Filing to Recover ANGTS Charges Associated with the Delivery of Alaska Natural Gas.

(a) *General Rule.* No more than six months and no less than 30 days prior to the time a shipper can reasonably anticipate the incurrence of ANGTS charges associated with the actual delivery of Alaska natural gas, the shipper shall file to establish a Base Tariff Rate which reflects the inclusion of the jurisdictional portion of such charges in its rates by making a general rate change filing pursuant to section 4(e) of the Natural Gas Act and § 154.63 of this chapter. A shipper shall include in this filing all costs, volumes and revenues associated with the ANGTS and the introduction of Alaska natural gas into its total gas supply. If the sole basis for the suspension of a shipper's proposed rate(s) in the proceeding described in this paragraph is a challenge of the rate(s) pursuant to § 154.203(a)(2) of this chapter, such that absent the challenge the rate(s) would not be suspended, then the Commission will not suspend the rate(s) for more than one day after the proposed effective date of the rate(s).

(b) *Cost Classification.* A shipper shall classify its ANGTS charges into the demand-commodity components of its rates as follows:

- (1) the full cost-of-service on the initial investment in the Canadian Pipeline Segment as demand;
- (2) the minimum bill for the Alaska Gas Conditioning Plant Segment, the

Alaskan Pipeline Segment, and the Eastern Leg properly attributable to those Alaska natural gas volumes produced from the Prudhoe Bay Producing Unit of Alaska, as demand;

(3) all other ANGTS charges for the Canadian Pipeline Segment, the Alaska Gas Conditioning Plant Segment, the Alaskan Pipeline Segment and Eastern Leg as commodity; and

(4) all ANGTS charges for the Western Leg in accordance with the procedures approved by the Commission and incorporated in the approved tariff of the project sponsor for the Western Leg.

(c) *Cost Allocation.* A shipper shall allocate its ANGTS charges between its jurisdictional and non-jurisdictional services on the basis of the jurisdictional allocation factor(s) approved by the Commission pursuant to the filing prescribed in paragraph (a) of this section. In any filing to adjust rates to track changes in the jurisdictional portion of its ANGTS charges, as prescribed in § 154.208 of this chapter, a shipper shall use such allocation factor(s) until the Commission approves a new allocation factor(s), for example, at such time as the shipper establishes a new Base Tariff Rate.

§ 154.208 Filing to Track Changes in ANGTS Charges.

(a) *General Rule.* Following the effective date of its Base Tariff Rate established pursuant to the filing described in § 154.207(a) of this chapter, a shipper shall adjust its rate(s), either positively or negatively, to track changes in the jurisdictional portion of its ANGTS charges and shall include a surcharge in its adjusted rates to recover or return amounts accumulated in the "Unrecovered ANGTS Accounts," described in paragraph (e) of this section, during the preceding six-month accounting period. A shipper shall follow this procedure in each succeeding rate adjustment filing to track changes in the jurisdictional portion of its ANGTS charges. In determining its rates pursuant to a filing to track changes in the jurisdictional portion of its ANGTS charges, a shipper shall use the cost classification formula described in § 154.207(b) of this chapter.

(b) *Timing.* A shipper shall file to adjust its rate(s) to track changes in the jurisdictional portion of its ANGTS charges semiannually and shall coincide the proposed effective date of such rate adjustments with the proposed effective date of the shipper's rate adjustment for changes in purchased gas costs ("PGA") pursuant to § 154.38(d)(f)(iv)(a) of this chapter, unless otherwise prescribed by the Commission. In the event a shipper

does not elect to adjust its rate(s) for purchased gas costs through PGA filings or makes its PGA filings annually, the shipper shall include semiannual filing dates for the purpose of tracking changes in the jurisdictional portion of its ANGTS charges in its proposed ACR Clause to be approved by the Commission pursuant to § 154.205 of this chapter.

(c) *Separate Computation.* A shipper shall compute rate adjustments separately for each of the project sponsors, and shall use the net sum of such separately computed rate adjustments to track changes in the jurisdictional portion of its ANGTS charges.

(d) *Threshold Amount.* A shipper shall adjust its rates to track changes in the jurisdictional portion of its ANGTS charges only if such rate adjustment equals or exceeds a level (either a stated dollar amount or a rate adjustment amount) specified in the shipper's approved ACR Clause.

(e) *Accounting Procedures.* A shipper shall maintain separate subaccounts for ANGTS charges and unrecovered ANGTS charges as specified in the following procedures. A shipper shall:

(1) Record the portion of the ANGTS charges to be recovered from jurisdictional sales customers in a separate subaccount of Account No. 858, Transmission and Compression of Gas by Others (18 CFR Part 201) designed as the "ANGTS Charges Account."

(2)(i) Credit or debit, as appropriate, no less than monthly, the ANGTS Charges Account with the ANGTS charges incurred for the period, recoverable from jurisdictional customers, that are in excess of, or less than, the applicable amounts recovered during the period through the application of approved rate schedules and,

(ii) Debit or credit, as appropriate, a separate subaccount of Account No. 186, Miscellaneous Deferred Debits (18 CFR Part 201), designated as the "Unrecovered ANGTS Charges Account." Separate subaccounts of the Unrecovered ANGTS Charges Account shall be maintained for each six-month period in which excesses or deficiencies are recorded.

(3) Amortize to the ANGTS Charges Account, over the appropriate six-month period, the amounts, either positive or negative, including carrying charges, accumulated in the Unrecovered ANGTS Charges Account coincidental with the recovery or return, as applicable, of such amounts through application of an approved surcharge.

(4) Carry forward to the next succeeding surcharge period any remaining balance in the Unrecovered ANGTS Charges Account for recovery or return, as applicable, in that period.

(5) Adopt the principles of interperiod income tax allocation applicable to the amounts deferred in the Unrecovered ANGTS Charges Account by deferring the applicable tax effect of the amounts recorded in the Unrecovered ANGTS Charges Account in Account 190, Accumulated Deferred Income Taxes (18 CFR Part 201) or Account 283, Accumulated Deferred Income Taxes—Other (18 CFR Part 201), as appropriate.

(f) *Carrying Charges.* A shipper shall compute carrying charges monthly based on the average daily balances properly recorded in the Unrecovered ANGTS Charges Account, net the related amounts in the applicable deferred income tax accounts (Account No. 190 or Account No. 283). The rate for computation of carrying charges shall be the current rate of interest on pipeline refunds set forth in § 154.67(d)(2)(iii)(A) of this chapter, with interest compounded in the manner set forth in § 154.67(d)(2)(iii)(B) of this chapter. Monthly, a shipper shall debit carrying charges to the Unrecovered ANGTS Charges Account if the average daily balance for the month in that account is positive, and shall credit carrying charges to the Unrecovered ANGTS Charges Account if the average daily balance for the month in that account is negative.

(g) *Posting, Verification and Service Requirements.* At least 30 days prior to the proposed effective date of any rate adjustment to track changes in the jurisdictional portion of its ANGTS charges, a shipper shall file with the Commission, and post pursuant to § 154.16 of this chapter, a tariff sheet(s), containing the information required in § 154.33(d) of this chapter and including separate columns that show the current adjustment, cumulative adjustment and current surcharge for ANGTS charges. Simultaneously with this posting, a shipper shall file with the Commission a report containing detailed computations that clearly show the derivation of the current adjustment and the surcharge to be applied to the shipper's existing rate(s). A shipper shall furnish such report to its jurisdictional customers and interested state and local regulatory agencies at the same time the shipper files the report with the Commission.

(h) *Suspension Period.* In any rate adjustment filing made by a shipper to track changes in the jurisdictional portion of its ANGTS charges, the Commission will not suspend the portion of the shipper's adjusted rate(s)

attributable to such changes for more than one day after the approved effective dates of the shipper's semiannual rate adjustments.

§ 154.209 Filing to Restate Base Tariff Rate.

(a) *General Rule.* (1) At least 30 days prior to the expiration of 36 months after the effective date of any previously approved Base Tariff Rate (36-month anniversary date), a shipper shall file a tariff sheet(s) restating its Base Tariff Rate and file a cost-and-revenue study in the form and with the content prescribed by § 154.63 of this chapter, except Statements O and P, to support the restated Base Tariff Rate. This study shall be based on actual costs for the twelve months of most recently available experience, provided that such 12-month period ends not more than 4 months prior to the expiration of the 36-month period. Annualization for changes which actually occurred in the 12 months will be permitted.

(2) If, before the expiration of the 36-month period, a shipper makes a general rate change filing under section 4(e) of the Natural Gas Act to establish a new Base Tariff Rate or establishes a new Base Tariff Rate pursuant to § 154.38(d)(4)(vi) of this chapter, or the Commission initiates a proceeding under section 5(a) of the Natural Gas Act in which a new Base Tariff Rate is established, a new 36-month period will commence when the Base Tariff Rate established in any of these proceedings becomes effective.

(b) *Use of Study from Another Rate Proceeding.* If a shipper has a section 5(a) case pending a final order or has made a section 4(e) general rate change filing for which the proposed rates would not become effective before termination of the 36-month period, the shipper may propose for Commission approval a study from either proceeding to satisfy the requirements of paragraph (a)(1) of this section, if:

(1) That study has a test period ending less than 12 months prior to the 36-month anniversary date; and

(2) That study includes, or is adjusted to include, the effects of volumes and revenues attributable to ANGTS as well as ANGTS charges.

(c) *Service Requirement.* A shipper shall serve the study filed with the Commission to support the restatement of its Base Tariff Rate on its jurisdictional customers and interested state and local regulatory agencies concurrently with filing the study with the Commission.

(d) *Refunds—(1) ACR Clause Requirement.* A shipper shall state its agreement that its restated Base Tariff

Rate will automatically be subject to refund from the date the rate(s) proposed in that filing are permitted by the Commission to become effective until the date that rates become effective pursuant to a Commission final order regarding a new Base Tariff Rate.

(2) *Refund Obligation.* If either as a result of conferences among the shipper, its jurisdictional customers, interested state and local regulatory agencies, and the Commission staff, or as a result of Commission determination after hearing, the Commission finds that, on the basis of the study prescribed in paragraph (a)(1) of this section, the jurisdictional cost-of-service is less than the jurisdictional revenues collected, the shipper shall file with the Commission a revised tariff sheet(s) reflecting jurisdictional rates based on the jurisdictional cost-of-service agreed to by the shipper or determined by the Commission and shall refund with interest to its jurisdictional customers any excess amounts collected subject to refund to the date of billing under the revised tariff sheet(s). This refund obligation shall be limited to the amount collected in excess of the previously established Base Tariff Rate. Rate reductions, if any, below the previously established Base Tariff Rate shall be prospective from the date of the Commission's final order approving an agreement in regard to or determining a new Base Tariff Rate.

(3) *Refund Procedure.* A shipper shall make any refund determined to be owed to the shipper's jurisdictional customers according to the manner, timing, reporting requirements and threshold amounts specified in its approved ACR Clause.

(4) *Computation of Interest on Refunds.* A shipper shall compute interest on any refund determined to be owed to the shipper's jurisdictional customers in the manner and at the rate prescribed in § 154.208(f) of this chapter.

§ 154.210 Refunds From Project Sponsors.

(a) *General Rule.* A shipper shall flow-through to its jurisdictional customers the jurisdictional portion of all refunds attributable to ANGTS charges (including interest received) received from the project sponsors.

(b) *Flow-through Procedure.* A shipper shall flow-through such refunds according to the manner, timing, reporting requirements and threshold amounts specified in the shipper's approved ACR Clause, unless the refund is attributable to a total cessation of service, in which event the procedure for flowing through the refund will be

determined pursuant to a Commission order.

(c) *Computation of Interest.* A shipper shall accrue interest on the jurisdictional portion of all refunds, including interest received, from the date that it receives such refunds from the project sponsors until the date that it disburses the refund to its jurisdictional customers, and shall compute such interest in the manner and at the rate prescribed in § 154.208(f) of this chapter.

§ 154.211 Line Pack Gas Costs.

In any filing by a shipper to establish a Base Tariff Rate and in any subsequent filing to restate a Base Tariff Rate, the shipper shall demonstrate that costs associated with line pack gas are properly accounted for and properly reflected in its rate(s). In the event a shipper's volume of line pack gas has decreased from the volume of line pack gas previously reflected in its rate(s), the shipper shall further demonstrate that it has provided appropriate restitution for any excess revenues collected from its jurisdictional customers.

§ 154.212 Separate Tracking of ANGTS Charges and Purchased Gas Costs.

A shipper shall maintain separate tariff provisions for tracking changes in its ANGTS charges and for tracking changes in its purchased gas costs attributable to Alaska natural gas. A shipper shall track changes in its purchased gas costs attributable to

Alaska natural gas pursuant to § 154.38(d)(4) of this chapter.

§ 154.213 Election of an ACR Clause.

(a) *General Rule.* A shipper shall elect once every three years whether to recover all changes in its ANGTS charges either through filings made under § 154.208 of this chapter and pursuant to its ACR Clause (ACR Clause option) or through general rate change filings under § 154.63 of this chapter (non-ACR Clause option); *Provided, however,* election of the non-ACR Clause option shall be subject to approval by the Commission.

(b) *Procedure for Election.* For purposes of this section, "election period" means a three year calendar period to commence coincidentally on the approved effective date of the earlier of a shipper's semiannual rate adjustments (pursuant to § 154.208 of this chapter) every third year. The first election period commences on the approved effective date of the earlier of a shipper's semiannual rate adjustments (pursuant to § 154.208 of this chapter) of the fourth year following the year in which a shipper first tracks changes in its ANGTS charges under § 154.208 of this chapter and pursuant to its ACR Clause. The election for an election period must be made on or before the first day of the month preceding the new election period and is binding for an entire election period. A shipper electing the ACR Clause option pursuant to this section may terminate its ACR Clause

effective as of the next election period by filing revised tariff sheets eliminating the ACR Clause from its tariff. Such tariff sheets must be filed on or before the first day of the month preceding a new election period to become effective on the first day of the new election period. If a shipper does not make such a filing, it shall be considered to have elected to renew its ACR Clause option for the new election period. A shipper which has chosen the non-ACR Clause option for an election period may file revised tariff sheets implementing the ACR Clause option for the next election period. Such tariff sheets must be filed on or before the first day of the month preceding a new election period to make the ACR Clause effective on the first day of that election period.

(c) *Effect of Election.* If a shipper elects the ACR Clause option, or if a shipper elects the non-ACR option and the Commission does not approve such election, the shipper shall file for changes in its ANGTS charges exclusively through its ACR Clause during the following election period. If a shipper elects the non-ACR Clause option and the Commission approves such election, the shipper shall file for changes in its ANGTS charges exclusively in general rate change filings under § 154.63 of this chapter.

Appendix

Suggested Format for Tariff Sheet for any Filing with the Commission Made Pursuant to §§ 154.206 through 154.209.

STATEMENT OF RATES

Rate schedule	Base tariff rate ¹	ANGTS charges			Purchased gas costs			Total rate
		Current adjustment	Cumulative adjustment	Surcharge	Current adjustment	Cumulative adjustment	Surcharge	
Rate Schedule A Demand Commodity Excess/Difficiency								
Rate Schedule B Demand Commodity Excess/Difficiency								

¹ Note: The Base Tariff Rate includes a base average purchased gas cost of \$ — per MMBtu and an ANGTS base charge of \$ — per MMBtu.

[FR Doc. 82-28007 Filed 10-12-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Public Disclosure of Comments Received From Federal Agencies on the Virginia Proposed Program Amendments

AGENCY: Office of Surface Mining

Reclamation and Enforcement (OSM), Interior.

ACTION: Disclosure of comments.

SUMMARY: Before the Secretary of the Interior may approve State regulatory program amendments submitted under Section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain Federal agencies must be solicited and disclosed. The Secretary has solicited comments from these agencies on the Virginia proposed program amendments,

and is today announcing their public disclosure.

ADDRESSES: Copies of the comments received are available for public review during business hours at:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street NW., Washington, D.C.
Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219
Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Virginia Division of Mined Land
Reclamation, 630 Powell Avenue, Big
Stone Gap, Virginia 24219.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur Abbs, Chief, Division of
State Program Assistance, Office of
Surface Mining Reclamation and
Enforcement, U.S. Department of the
Interior, South Building, 1951
Constitution Avenue NW., Washington,
D.C. 20240, Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION: The
Secretary is evaluating the proposed
amendments submitted by Virginia for
his review on August 13, 1982
(Administrative Record No. VA 411).
See the August 30, 1982 Federal Register
(47 FR 38150-38152). In accordance with
Section 503(b)(1) of SMCRA and 30 CFR
732.17(h)(10)(i), these amendments to
Virginia's program may not be approved
until the Secretary has solicited and
publicly disclosed the views of the
Administrator of the Environmental
Protection Agency, the Secretary of
Agriculture, and the heads of other
Federal agencies concerned with or
having special expertise relevant to the
program amendment as proposed. In this
regard, the following Federal agencies
were invited to comment on the Virginia
program amendments:

Department of Agriculture
Soil Conservation Service
Forest Service

Advisory Council on Historic
Preservation

Department of Labor

Mine Safety and Health Administration

Environmental Protection Agency

Department of the Interior

Bureau of Land Management
Bureau of Mines
Fish and Wildlife Service
National Park Service
Geological Survey

U.S. Army Corps of Engineers

Of those agencies invited to comment,
OSM received from the following
offices:

Department of the Interior

Bureau of Land Management
Geological Survey
Bureau of Mines

Department of Labor

Mine Safety and Health Administration

U.S. Army Corps of Engineers

These comments are available for

review and copying during business
hours at the locations listed above under
"Addresses".

Dated: October 5, 1982.

William B. Schmidt,

Assistant Director, Program Operations and
Inspection, Office of Surface Mining.

[FR Doc. 82-28143 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 162

[PH-FRL 2226-1; OPP-250038]

Notification to the Secretary of Agriculture of Proposed Amendments

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule Related Notice.

SUMMARY: Notice is given that the
Administrator of EPA has forwarded to
the Secretary of the U.S. Department of
Agriculture proposed regulations on
conditional registration and
compensation for use of data. This
action is required by section 25(a)(2)(A)
of the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended.

FOR FURTHER INFORMATION CONTACT:

Jean Frane, Registration Division (TS-
767C), Office of Pesticide Programs,
Environmental Protection Agency, Rm.
1114, CM#2, 1921 Jefferson Davis
Highway, Arlington, VA 22202, (703-
557-0592).

SUPPLEMENTARY INFORMATION: Section
25(a)(2)(A) of the Federal Insecticide,
Fungicide, and Rodenticide Act (FIFRA),
as amended (Pub. L. 92-516, 86 Stat. 973;
Pub. L. 94-140, 89 Stat. 752; 7 U.S.C. 136
et seq.) provides that the Administrator
shall provide the Secretary of
Agriculture with a copy of any proposed
regulation at least 60 days prior to
signing it for publication in the Federal
Register. If the Secretary comments in
writing regarding the regulation within
30 days after receiving it, the
Administrator shall issue in the Federal
Register, with the proposed regulation,
the comments of the Secretary and the
response of the Administrator. If the
secretary does not comment in writing
within 30 days after receiving the
proposed regulation, the Administrator
may sign the regulation for publication
in the Federal Register any time after

the 30-day period.

Under FIFRA section 25(a)(3), a copy
of these proposed regulations has been
forwarded to the Committee on
agriculture of the House of
Representatives and the Committee on
Agriculture, Nutrition, and Forestry of
the Senate.

Pursuant to the provisions of 5 U.S.C.
605(b), I hereby certify that the attached
rule will not have a significant impact
on a substantial number of small
entities.

(Sec. 25, (Pub. L. 92-515, 86 Stat. 973; Pub. L.
94-140, 89 Stat. 753; (7 U.S.C. 136 et seq.))

List of Subjects in 40 CFR Part 162

Intergovernmental relations, Labeling,
Packaging and containers, Pesticides
and pests, Administrative practice and
procedure.

Dated: October 4, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82-28111 Filed 10-12-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59 and 67

[Docket No. SIPS-67-83A]

National Flood Insurance Program

AGENCY: Federal Emergency
Management Agency.

ACTION: Proposed Rule.

SUMMARY: This rule provides criteria for
the development of acceptable appeal
submissions challenging FEMA's
proposed base flood elevations. It lists
the date which must be incorporated
into an appeal and which will facilitate
FEMA's evaluation and processing of
the appeal.

DATE: Comments received on or before
December 13, 1982 will be considered
before publication of a final rule.

ADDRESS: Comments should be sent in
duplicate to the Rules Docket Clerk,
Office of General Counsel, Room 801,
Federal Emergency Management
Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Engineering
Branch, Natural Hazards Division,
Federal Emergency Management
Agency, Washington, D.C. 20472, (202)
287-0230.

SUPPLEMENTARY INFORMATION: In establishing base flood elevations for communities, Section 110 of the Flood Disaster Protection Act of 1973 requires the Federal Emergency Management Agency (FEMA) to publish notification of flood elevation determinations in a prominent local newspaper at least twice during the ten-day period following notification to the local government. During the 90-day period following the second publication, any owner or lessee of real property within the community who believes his or her property rights to be adversely affected by the proposed elevations may appeal such elevations to FEMA through the local government. The sole basis for such appeal shall be the possession of knowledge or information indicating that the elevations proposed by FEMA are scientifically or technically incorrect.

FEMA's experience with appeals and other statements of disagreement with the flood insurance study findings indicates the need for a more structured procedure. Past practice has resulted in the acceptance and evaluation of a broad range of material purported to constitute an appeal. Considerable effort has been expended to evaluate insufficient and poorly documented appeals which usually prove to be invalid. Thus, in the interests of efficiency and economy, it is necessary to differentiate between statements of disagreement and valid appeals, under the Flood Disaster Protection Act of 1973 as amended, which are worthy of significant further investigation by FEMA. These proposed regulations serve that function by describing the scientific and technical data which must be submitted to constitute an acceptable appeal.

Scientific and technical correctness is usually a matter of degree rather than absolutes. Existing hydrologic, hydraulic, and statistical techniques represent only approximations of real world behavior and include numerous simplifying assumptions. In application, scientific and technical "correctness" is relative and evaluated on the basis of professional judgment as to whether the methods or the application of the methods result in a reasonable approximation of reality, given the limitations of available technology and the data. Because of this, the proposed rule requires appellants to demonstrate the degree to which FEMA's determinations are purported to be incorrect and to demonstrate that an alternative analysis would produce more accurate results. Such information will allow FEMA to evaluate the merits

of an alternative analysis in a more cost effective and objective manner.

The proposed rule gives guidance to the appellant by indicating that the appeal submission shall include: (1) Identification and analysis of the specific source of the purported incorrectness. (2) Where the appeal is based on scientific incorrectness, methods or assumptions claimed to be more correct must be applied and demonstrated by the appellant to produce results which are more correct than those obtained using the contested method. (3) Where the appeal is based on technical incorrectness due to purported deficiencies in quality or quantity of input data, an alternative analysis must be made, utilizing the same methods, but data demonstrated to be superior and demonstrated to produce results which are more correct than those obtained in the contested analysis. (4) Where the appeal is based on a simple mathematical or measurement error which can be demonstrated by the appellant, FEMA will be responsible for the reanalysis to establish whether changes are necessary. The appellant need only identify the error in these cases.

An environmental assessment is not necessary because this rule change is procedural and has no effect on the quality of the human environment. This rule change is not a "major rule" within the context of Executive Order 12291. This rule does not have a significant economic impact on a substantial number of small entities because it calls for improving the appeals process for base flood elevation determinations.

List of Subjects in 44 CFR Parts 59 and 67

Flood insurance, Flood plains.

Accordingly Part 59 and Part 67 of Title 44 of the Code of Federal Regulations, are proposed to be amended as follows:

PART 59—GENERAL PROVISIONS

1. Section 59.1 is amended by adding new definitions in alphabetical order to read as follows:

§ 59.1 Definitions.

"*Scientifically Incorrect*." The methodology(ies) and/or assumptions which have been utilized are based on theory demonstrated to be inappropriate for the physical processes being evaluated or are otherwise erroneous

"*Technically Incorrect*." The methodology(ies) utilized has been erroneously applied use to mathematical

or measurement error or insufficient quantity or quality of input data.

PART 167—APPEAL FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

2. Section 67.6 is revised to read as follows:

§ 67.6 Basis of Appeal.

(a) The sole basis of appeal under this Part shall be the possession of knowledge or information indicating that the elevations proposed by FEMA are scientifically or technically incorrect. Because scientific and technical correctness is often a matter of degree rather than absolute (except where mistakes in computation or measurement can be demonstrated), appellants are required to demonstrate that alternative methods, or analyses result in superior estimates of base flood elevations, thus demonstrating that FEMA's estimates are inaccurate.

(b) Data requirements. (1) If an appellant believes the proposed base flood elevations are technically incorrect due to a mathematical or measurement error or changed physical conditions, then the specific source of the error must be identified. Supporting data must be furnished to FEMA including certifications, by a registered professional engineer or licensed land surveyor, of the new data necessary for FEMA to conduct a reanalysis.

(2) If an appellant believes that the proposed base flood elevations are technically incorrect due to error in application of hydrologic, hydraulic or other methods or the use of inferior data in applying such methods, the appeal must demonstrate technical incorrectness by:

(i) Identifying the purported error in the analysis or the inferior data,

(ii) Supporting why the analysis is incorrect or data is inferior,

(iii) Providing a reanalysis applying the same basic methods utilized by FEMA but with the changes itemized,

(iv) Providing background technical support for the changes indicating why the appellant's analysis should be accepted as superior,

(v) Providing certification of correctness of any alternate data utilized or measurements made (such as topographic information) by a registered professional engineer or licensed land surveyor, and

(vi) Providing documentation of all areas where the appellant's results are different from FEMA's.

(3) If an appellant believes the proposed base flood elevations are

scientifically incorrect, the appeal must demonstrate scientific incorrectness by:

- (i) Identifying the methods, or assumptions purported to be scientifically incorrect,
- (ii) Supporting why the methods, or assumptions are scientifically incorrect.
- (iii) Providing an alternative analysis utilizing methods, or assumptions purported to be correct,
- (iv) Providing technical support indicating why the appellant's methods should be accepted as superior, and
- (v) Providing documentation of all areas where the appellant's results are different from FEMA's.

(Sec. 1363 of the National Flood Insurance Act of 1968, as amended, 82 Stat. 574 (42 U.S.C. 4011-4104); Reorganization Plan No. 3 of 1978 (43 FR 41943) and Executive Order 12127, dated March 31, 1979 (44 FR 19367) and delegation of authority to Associate Director, State and Local Programs and Support) (Catalog of Federal Domestic Assistance Number 83.100 National Flood Insurance Program)

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-28119 Filed 10-12-82; 8:45 am]

BULLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 22, 73, 81, 87, 90, and 94

[Gen. Docket No. 81-768; FCC 82-420]

Amendment to Allow the Selection from Among Certain Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings*

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This second Notice of Proposed Rule Making is necessary to implement the Federal Communications Commission's random selection authority contained in the recent amendments to Section 309(i) of the Communications Act of 1934, as amended, 47 U.S.C. 309(i). This authority directs the Commission to implement a random selection or lottery technique for choosing among competing applicants for initial telecommunications licenses.

This rule making proposes to establish a general framework for random selection of certain telecommunications

* The caption of this docket has been changed. Originally, the caption referred to Part 1 of the Commission's Rules. Because this proposal seeks to change several parts of the Rules, we have changed the caption accordingly.

licenses, including procedures, administration and preferences for applicants that are minorities or own few or no other media of mass communications. Finally, the document reserves the Commission's right to modify the lottery provisions from time to time, as required by the public interest.

DATES: Comments must be submitted by October 29, 1982, and reply comments by November 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Randy W. Thomas, Office of the General Counsel, (202) 632-6990.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 1

Administrative practice and procedure, Random selection procedures for mass media services [New].

47 CFR Part 22

Mobile radio service.

47 CFR Part 73

Television.

47 CFR Part 81

Public coast.

47 CFR Part 87

Aeronautical stations.

47 CFR Part 90

Industrial radio services, Land transportation radio services, Public safety radio services, Special emergency radio services.

47 CFR Part 94

Radio.

Adopted: September 23, 1982.

Released: October 7, 1982.

Chairman Fowler concurring in the result.

Second Notice of Proposed Rule Making

1. We have before us new legislation¹ that amends Section 309(i) of the

¹ The Communications Amendments Act of 1982, Pub. L. 97-259, Section 115, enacted September 13, 1982, amended Section 309(i) of the Communications Act of 1934, as amended, 47 U.S.C. 309(i) (the "Act"). Pertinent portions of the statute are reproduced in Appendix C. A copy of the relevant section of the Conference Report, H. Rep. No. 97-765 at 37-49, will be placed in the docket and will be available for public inspection. Commenters are requested to review this guidance to the Commission closely. (Appendix C is filed with the original document.)

Communications Act of 1934, as amended. The Conference Report accompanying the legislation indicates that the Congress intends the Commission to enact implementing regulations within 180 days of passage. Thus, in light of the new legislation, we have determined to reopen this docket and seek additional comments.²

Introduction

2. This Notice proposes implementation of our recently amended authority to use a system of random selection or lottery to select a licensee when there is more than one application for an initial license for any use of the electromagnetic spectrum.³ This legislative action followed the Commission's first *Report and Order* in General Docket No. 81-768⁴ which concerned the previous version of this authority. We there declined to implement our authority to establish a random selection system because we were unable to devise a lottery which could achieve the stated legislative purposes within the statutory constraints. Many of the issues raised in the Docket to date have been resolved by the new legislation.

3. This Notice proposes certain services and applications which would be subject to a lottery and proposes procedures for the treatment of applications prior to the conduct of the lottery, the lottery itself and for the use of hearings in conjunction with the lottery. Additionally, specific rules are proposed for the awarding of preferences in the lottery. We solicit comment from the public on all of the proposals described in greater detail below.

Services and Applications Subject to Random Selection

4. The relevant legislative history of the lottery statute indicates that the Congress intended the Commission to use random selection techniques where the public interest would best be served. Factors that the Committee determined the Commission should consider include: Whether there are a large

² A petition for reconsideration of the first Report and Order was filed on March 24, 1982, by Victor M. Lopez. The petition, *inter alia*, requested the Commission to promulgate regulations under the initial lottery statute. Passage of the new lottery legislation moots Mr. Lopez' petition.

³ Proposed "major changes" would be treated as initial applications for lottery purposes. See 47 CFR 73.3571(a)(1), 73.3572(a)(1), 73.3573(a)(1). Hereinafter, all references to licenses should be construed to include construction permits, except where otherwise noted.

⁴ *Report and Order*, Gen. Docket No. 81-768, 89 FCC 2d 257-296 (1982), concluding the proceeding commenced at 88 FCC 2d 476-508 (1981).

number of available licenses; whether there are a number of mutually exclusive applicants for each license; whether there is a significant back-log of applications and a lottery would speed service to the public; and whether diversity of information sources would be enhanced. See H. Rep. 97-765 at 37-38 (hereinafter cited as "Conference Report").

5. Based upon these and other relevant criteria, the Commission believes that, at the present time, there are three types of services that are amenable to the use of random selection techniques. The three service areas are the low power television and television translator service,⁵ certain Private Radio Services and the public mobile common carrier radio service (excluding cellular).

6. The Commission also proposes to use lotteries in other services on an *ad hoc* basis in those instances where the qualifications of competing applicants are so close that no material differences between the parties' ability to serve the public interest can be distinguished.⁶ We believe that there is adequate authority to use lotteries in these instances. While the Conference Report cites several relevant factors to consider in determining whether a lottery would serve the public interest, Conference Report at 37, it notes that random selection authority may also be used in "those services or instances in which it determines that (it) would be appropriate." *Id.* at 38 (emphasis added). The public interest, we believe, would be served by using a lottery in these cases since both public and private resources would be spared from further pursuing the comparative process and the new service would go on the air more quickly. In addition and, most importantly, if the subject service involved a "medium of mass communications," diversity could be enhanced through the operation of the appropriate preferences.⁷ We seek comment on the proposal to establish general authority to use lotteries and, where applicable, preferences in such instances.

7. We therefore propose to use lottery procedures in the services identified in this Notice and also on a case-by-case basis for such other applications as the Commission determines meet the criteria discussed in paragraph 4 above. Within that context, any proceeding in which the first application was tendered for filing after the effective date of the

initial version of Section 309(i) (*i.e.*, on or after August 14, 1981) may be subject to a lottery. In addition, all pending applications in the low power television service will be subject to a lottery, including those filed under the interim rules prior to August 14, 1982.⁸

Lower Power Television

8. Congress has stated its intention that a system of random selection should be applied to select low power television licensees. See Conference Report at 38. We seek comments on the implementation of new low power rules which will provide for a lottery procedure that is consistent with Congressional intent and the public interest. As noted above, the Commission has previously expressed its desire to use a lottery system for low power television, should one be authorized. Now that Congress has given us authority to implement a lottery and has expressed its intention that we do so, changes must be made in the procedures set forth in the *Low Power Report and Order*. Our proposed revision of §§ 73.3591 and 73.3593 to reflect these differences is included in the attached Appendix B.

Common Carrier Public Mobile Services

9. We propose to implement a random selection procedure for the public land mobile service (excluding cellular),⁹ the rural radio service and the offshore radio service. In general, it is our view that a lottery would be useful in the public mobile service because of new frequency allocations which are expected to result in an extremely large number of mutually exclusive applications. New allocations for 35 MHz paging (CC Docket 80-189)¹⁰ have already occurred and 900 MHz paging (Gen. Docket 80-183)¹¹ can be expected

⁵Low power applicants have been on notice at least since adoption of our *Low Power Report and Order* that we intended to use a lottery system for low power television should one be authorized. See *Low Power Report and Order*, 47 FR 21468 (May 18, 1982). There, we stated, "[W]hen and if a system of random selection is instituted for choosing among competing broadcast applications, it, of course, will be applied to low power." *Id.* at 21472.

⁹The public land mobile service includes one-way land mobile service, two-way land mobile service, and the two-way air-ground mobile service. See 47 CFR Part 22.

¹⁰35 MHz applicants have been on notice since adoption of our 35 MHz *First Report and Order* that Congress might adopt lottery legislation and that the Commission might use the procedures for dealing with mutually exclusive applications that are in effect at the time the need to decide among applicant arises. 47 FR 34561 (Aug. 10, 1982).

¹¹900 MHz applicants have been on notice since adoption of our 900 MHz *First Report and Order* that, if mutually exclusive situations should arise, they would be resolved consistently with the prevailing procedures for deciding among such

to result in an extremely large number of applications, with a substantial number involving mutually exclusive situations.¹² Because of the large number of applications, our skepticism that existing comparative criteria will provide a meaningful mechanism for selecting applicants, and the overwhelming administrative burden that would result, we propose to implement a lottery procedure for applications filed in the public land mobile service. We seek comment on this proposal.

10. We have carefully reexamined our decision not to select cellular licensees through a lottery procedure, in light of the passage of lottery legislation, and we again conclude that a lottery would be inappropriate in the cellular service. First, random selection appears to be inappropriate for determining which competing cellular applicant, from a group whose proposals may differ in significant ways, shall be granted a license for the establishment of one of the only two systems in a market. A cellular system requires a high capital investment and great technical expertise to realize the maximum benefits of cellular technology. Because of the limited number of licenses that can be granted in this service, it is especially important that the selection process be designed to award a license to an applicant proposing a high-quality cellular system.

11. In addition, we have set forth only limited standards (*see, e.g.*, § 22.913 of the Commission's rules) for determining whether applications are "acceptable for filing", leaving system coverage and quality to be determined by the comparative process. If we were to resort to a lottery, it would be necessary to establish threshold standards for applications, in order to avoid a rush of superficially "acceptable" lottery entries that would be incapable of fully implementing the promise of cellular radio. Yet applications for the top markets will have been filed by January 7, 1983, and it is unlikely that we would be able to adopt substantive standards before that time.

12. In the cellular rulemaking we recognized the need to develop procedures that would allow the public to receive cellular service with a minimum of delay. For that reason, we

mutually exclusive applications. 47 FR 24557 (June 7, 1982).

¹²When, in 1968, for example, the Commission allocated additional paging frequencies in its *Guardband Paging Allocations*, the Mobile Services Division was faced with hundreds of mutually exclusive applications. As a result, some application packages took almost 8 years to resolve.

⁵Hereinafter referred to as "low power television" or "LPTV".

⁶This will enable the Commission expeditiously to resolve the so-called "tied cases".

⁷See § 1.1621(a) of the proposed Rules.

adopted a "set-aside" policy¹³ and established expedited hearing procedures. The latter procedures call for non-wireline applicants to submit their direct hearing case with their applications (in the thirty largest markets) and otherwise streamline the hearing process to insure a prompt resolution of application conflicts. We remain of the view that these procedures are the best way to proceed with the processing of mutually exclusive applications in this new and technologically complex service.¹⁴

13. We do propose to include both the rural radio service and the offshore radio service in the lottery procedure. The rural radio service is a fixed two-way service for rural areas where land-line service is impracticable. The offshore radio service is a fixed two-way service to serve offshore drilling platforms near Louisiana. We believe that in case mutually exclusive situations arise, in these two services, this approach will expedite service to the public and eliminate the administrative burden of lengthy comparative proceedings.

Private Radio Services

14. In most of the Private Radio Services, licensees do not receive exclusive use of a frequency in a given geographic area, but must share it with other licensees. However, exclusive assignments are made for Aeronautical

Advisory Stations in the Aviation Services (UNICOM Stations), and for Stations on Land in the Maritime Services (Public Coast Stations). Occasionally, comparative hearings have been necessary to select from among competing applicants. In applying the criteria specified in the Conference Report, it appears that selection by lottery would be appropriate in these two services. Private Radio licensees do not provide mass media services nor do they exercise editorial control through programming or the dissemination of information to the public at large. The Conference Committee's concerns about diversification of media information and ownership, therefore, are not applicable in the Private Radio Services and significant preferences are not at issue. A lottery system should facilitate the selection of qualified licensees in these two services. It appears that a lottery would bring service to the public in the quickest way possible, at the least cost to applicants, with no significant reduction in the qualifications of licensees. See Conference Report at 37-38.

15. While comparative hearings have not been necessary to date in other Private Radio Services, exclusive assignments are also made to certain Private Land Mobile stations operating at 800 MHz,¹⁵ and to Microwave stations in the Private Operational-Fixed Service. We have structured our release of 800 MHz frequencies in a fashion which groups generic categories of eligibles and which makes it likely that within each category of eligibility the qualifications of competing applicants to serve the public interest are without substantial material differences. Similarly, in the Private Microwave Service the differences in competing applicants would appear to be minimal in most cases. As the demand for private communications systems increases, we may receive more applications in these services than we can accommodate in the available spectrum. Significant backlogs could develop and a lottery might enable us to speed up the process of getting service to the public. We solicit comments on these and related issues, as, for example, whether selection by lottery should apply to applications in all the different classes of Private Land Mobile Services.

¹⁵ In our recent *Second Report and Order* in the 800 MHz proceedings, PR Docket 79-191, 47 FR 41002 (Sept. 16, 1982), we made it clear that "should Congress adopt legislation giving us authority to assign channels based on a lottery, we [would] consider such a method to choose among competing applications."

Procedures

Broadcast Procedures

16. Once an application for a new license which is subject to our lottery procedures is tendered and found acceptable for filing,¹⁶ it will be listed in a public notice inviting competing applications until the specified cut-off date approximately thirty to sixty days later (the "A" list). Applications filed after the "A" cut-off date will not be eligible for consideration or grant as part of the already-initiated proceeding. Competing applications found acceptable for filing will be listed in a public notice ("B" cut-off list) announcing that the lottery will be conducted. This list will indicate the preferences for which the applicants certify they are eligible and their selection probabilities. Clerical or mathematical errors in this information should be brought to the Commission's attention immediately. The lottery will then be conducted and the tentative selectee will be named in a public notice providing an opportunity for the filing of Petitions to Deny.

Common Carrier Procedures

17. In the Common Carrier Public Mobile Services, the current public notice and pleading procedures found in Part 22 of our Rules will be used to govern the filing and processing of applications. Applications which are found to be mutually exclusive will, under our proposed lottery procedures, be included in a random selection proceeding under the Rules as proposed herein. The tentative selectee's application will then be reviewed along with any pleadings which have been timely filed. In the case of applications not selected in the random selection proceedings, petitions to deny and any related pleadings will not be considered.

18. If, after reviewing the randomly selected application and any related pleadings, the staff cannot conclude that a grant would serve the public interest, that application will be designated for an expedited hearing under the procedures proposed in this Notice. If, at the end of the hearing, the application is denied, a second random selection will be held from among the remaining applications in the original pool of mutually exclusive applicants. The newly selected application will be reviewed in the same fashion as described above.

¹⁶ See Conference Report at 39.

¹³ The need to expedite the provision of cellular service was but one of the reasons underlying the set-aside. In our *Reconsideration Order in Cellular Communications Systems*, 89 FCC 2d 58 (1982), we emphasized that the separate allocation of frequencies for wireline and non-wireline carriers was responsive to the concerns of the court of appeals in *NARUC v. FCC*, 525 F.2d 630 (D.C. Cir.), cert. denied, 425 U.S. 991 (1976). By providing that there be two cellular systems per market—one wireline and one non-wireline carrier—we have insured that no single company will be able to operate a majority of cellular systems and that there will be continued vigorous competition between the two groups of carriers in all markets. 89 FCC 2d at 73.

We recognized that there were substantial public interest benefits accruing from the presence of local telephone companies in the provision of cellular service—benefits arising from the substantial expertise of all telephone companies in "traffic engineering and the establishment of high capacity local switching networks" as well as from AT&T's leadership position in the development and implementation of cellular technology. 89 FCC 2d at 71.

But the set-aside policy is perhaps most important because it will expedite the implementation of cellular service by minimizing the delay due to comparative hearings. 89 FCC 2d at 70. Lotteries are, as we discuss above, not an appropriate way to minimize this delay in the cellular service.

¹⁴ We note that many of the applications for the top thirty markets, filed under these procedures, will be ready to be granted or designated for hearing in the near future. The time that could be saved by using lotteries to select licensees in these markets could be as little as a few months.

Private Radio Services Procedures

19. As 800 MHz frequencies become available for assignment, the Commission periodically will issue a Public Notice stating that applications for those frequencies will be accepted for a time period specified in the Notice. If more applications are received during that period than may be accommodated on available frequencies, licensees will be selected by lottery shortly after the cut-off date specified in the Notice. Under the Communications Act and our Rules, Petitions to Deny may not be filed against applications for Private Land Mobile licenses. 47 U.S.C. 309; 47 CFR 1.962. Formal filings involving oppositions and replies will not be entertained. Furthermore, these applications do not involve "media of mass communications", as described in the Conference Report, and we therefore need not grant preferences. As stated in the Report, the lottery procedures for these non-media applications will be "extremely simple, with each applicant for a given license receiving a selection probability of $1/x$, where x equals the total number of applicants." Conference Report at 46. Our purpose in proposing a lottery in these services is to expedite service to the public. We expect to process the applications of the tentative selectees in accordance with current procedures and we will designate applications for expedited hearings, where necessary, as described herein. Further details concerning each particular private land mobile lottery will be specified in the Public Notice.

20. In other Private Radio Services where we are proposing to select licensees by lottery when mutually-exclusive applications are filed (i.e., UNICOM stations in the Aviation Services and Public Coast Stations in the Maritime Services), or when the number of applications exceeds the available supply of frequencies, as in the Private Operational-Fixed Microwave Service, Petitions to Deny will be entertained under our proposed Rules, in accordance with statutory requirements. 47 U.S.C. 309. We also are concerned in these services, however, that our processing time for applications not be lengthened as a result of the lottery procedures. Because significant preferences are not at issue in these services and basic qualifications are more easily determined and fulfilled than in many other services, we are proposing to streamline the lottery in the Private Radio Services. We propose that Petitions to Deny, as well as competing applications, be filed before, not after, the lottery is conducted. This should enable us to eliminate the necessity of a

second time-consuming Public Notice inviting Petitions to Deny. As a result, we should be able to expedite the processing of these applications, as we have done in the past. We are proposing to treat the Private Radio Services differently because we are concerned that the lottery procedures for these "non-media" services be "extremely simple".¹⁷ See Conference Report at 46. After the lottery is conducted, the Petitions to Deny against the tentative selectee will be reviewed and qualifications will be determined by the staff consistent with current procedures. We propose to conduct expedited hearing proceedings, if necessary, in the same manner as all other services subject to selection by lottery.

Lottery Procedures

21. The lottery function would begin with the list of all the applicants which contains their final probabilities, including all preference factors, where appropriate. The applicants would then each be assigned a portion of the interval between .000 and .999, according to their selection probabilities. For example, if there were three applicants with probabilities .25, .25, and .50 respectively, the first applicant would have the interval .000 to .249, the second applicant would have .250 to .499, and the third would have .500 to .999. The next step would be to generate a random number in the range of .000 to .999. We expect to use a lottery device or machine for this task. The tentative selectee would be the applicant in whose interval the random number fell.

22. The Commission is concerned about the integrity of the random selection process. To ensure that this process operates in a fair and equitable manner, the system for generating random outcomes and any equipment used in this activity will be available for public review and inspection. Additionally, we expect that the public, including individual applicants, will be permitted to attend the sessions when random selections are made. In accordance with the spirit of the Government in the Sunshine Act, 5 U.S.C. 552b, we are proposing that public notice of the drawings will be made at least seven days in advance. The Commission may from time to time as may be necessary to ensure a completely fair and objective lottery, modify, revise, or replace any

¹⁷ In the future, however, if any applications involving mass distribution of video entertainment are processed by lottery, we would propose to grant appropriate significant preferences in accordance with statutory requirements.

procedures or equipment associated with operation of the lottery.

General Post-Lottery Procedures

Petitions to Deny

23. In the broadcast service, the public notice announcing the tentative selectee will provide an opportunity for the filing of petitions to deny only against the tentative selectee within a specified period in those services in which such petitions properly lie and in which they have not been filed prior to the lottery. If no petitions to deny have been filed against the tentative selectee, that application will be reviewed by the staff to determine that the applicant is fully qualified to be awarded the license and either a grant or a hearing designation order will be issued. The tentative selectee will have twenty days from the deadline for Petitions to Deny announced in the Public Notice to file an opposition and then the petitioner will have twenty days in which to file a reply. Following a review of these pleadings and the application, either a grant or hearing designation order (paper, oral or both) will be issued. Procedures regarding petitions to deny in the common carrier and private radio services are specified in paragraphs 18-19 and 20-21, respectively.

Hearings

24. A Memorandum Opinion and Order on the petitions to deny will dispose of issues that do not raise substantial and material questions of fact and will also designate any remaining issues for hearing and include the pleading schedule to be followed by the parties.¹⁸ Actions on petitions to deny which do not raise new or novel issues may be taken by delegated authority.

25. We anticipate that most petitions will be resolvable at the staff level without the necessity of a hearing and that most hearings will be paper hearings conducted before the Commission.¹⁹ The Commission *en banc*

¹⁸ Applicants are reminded of the prohibition against *ex parte* presentations to decision-making Commission personnel in adjudicative proceedings prior to or after designation for hearing. 47 CFR 1.1203. Because of the various Bureaus' role as advisor to the Commission regarding these applications, the Bureau Chiefs and their pertinent staffs will be considered to be decision-making Commission personnel with regard to any hearing, paper or otherwise, conducted pursuant to the procedures prescribed herein. However, should any of the Bureau staff be designated as separated trial staff for the purpose of participating as a party in any such hearing, that separated trial staff shall be non-decision-making personnel. Such staff shall be separated from decision-making personnel.

¹⁹ As we stated in our low power television and 800 MHz decision, we believe that we may be able

will receive the evidence and issue the final decision regarding the tentative selectee's qualifications. The appropriate Bureau will serve as advisor to the Commission. As such, the Bureau will be responsible for reviewing and analyzing pleadings, and preparing a draft of the final decision. The Bureau will not appear as a party unless the Commission orders it to do so in a particular case.²⁰

26. With regard to the paper hearing, the public notice will instruct the applicant to submit its direct case in writing on or before the date set in the notice. This will be approximately 30 days from the release date of the notice. The direct written case must set forth all those facts and characteristics related to the issues in the designation order. Documentary evidence upon which the applicant relies must be attached. Each exhibit must be numbered and must be accompanied by an affidavit from someone with personal knowledge of the facts therein attesting to the truth of the submission. The public notice will also specify those petitioners to deny that directly raised an issue designated in the public notice and inform them of the opportunity to submit a written rebuttal case within twenty (20) days after the direct case is due. As with the direct case, documentary evidence submitted with the rebuttal case must be placed in a numbered exhibit and accompanied by an appropriate affidavit from someone with personal knowledge of the facts therein. A request may be submitted for oral hearings and cross examinations or other mechanisms by parties in the proceeding at the time the rebuttal case is due and, in the case of applicants, within ten days after the rebuttal case is due. A party submitting such a request must state the subject matter of the desired cross-examination or other mechanism and the basis for it, such as the scope of examination, the evidence to be presented, the reason why the evidence is material to the outcome of the proceeding, the reason why an oral hearing with cross-examination is necessary to bring out this evidence, and the evidence in the record which

would be contradicted by the cross-examination.

27. The Commission intends to dispose of as many lottery applications as possible pursuant to the paper procedures described above. When reviewing the rebuttal case before it, the Commission also will consider any requests for oral testimony. However, as we stated in our low power television decision²¹ and 800 MHz decision²² we will order oral testimony only in limited circumstances; i.e., where it is shown that the party will be prejudiced by a paper proceeding without oral testimony; where a substantial and material question of fact which would affect the outcome cannot be resolved without oral testimony; or where oral testimony would otherwise be required by the public interest. If the Commission makes a decision on the basis of the written direct and rebuttal cases and any other authorized pleadings, the request for oral testimony will be deemed denied. No separate order will be issued disposing of the request for oral hearing.

28. If the Commission concludes that an oral proceeding is necessary, it will issue an interlocutory order directing an Administrative Law Judge to hear a particular issue or issues. The order will specify the issue or issues and set a prehearing conference to establish a discovery (where applicable) and trial schedule.²³ The Administrative Law Judge ("ALJ") shall conduct the proceeding and certify the entire record made before him to the Commission. Where an issue is raised *sua sponte* or where the Commission determines that Bureau participation is necessary, the Bureau will be represented by a separated trial staff.

29. Following completion of the proceedings (paper, oral or both), the staff shall submit for Commission action the record from the paper proceeding and if any, the transcript from the oral procedure before the ALJ. The Commission, with the assistance of the appropriate Bureau staff will either grant the license to the tentative selectee or shall find the tentative selectee unqualified. In the latter case, a second lottery will be held from among the remaining applicants, based upon recomputed selection probabilities. We request interested parties to comment on the above proposals and solicit other

proposals with respect to the low power hearing procedures.

Other Matters

Certification

30. All applicants, as part of their application for any service named above in which random selection may be used, shall include a certification that the applicant is the real party in interest and that no agreement, either explicit or implicit, has been made to transfer or assign the license at a later date to any other party. See Conference Report at 45-46. Applicants in services subject to a lottery shall append to their application a certification signed and dated by the applicant(s) as follows:²⁴

I (We) hereby certify that no agreement, either explicit or implicit, has been entered into for the purposes of transferring or assigning to another party, any station construction permit or license or interest therein that is awarded as a result of a random selection or lottery.

(Applicant)

Restrictions on Transfer of Construction Permits or Licenses

31. The Conference Report states that when utilizing a lottery to award licenses in a medium of mass communications, the Commission should apply its present "anti-trafficking" rules, 47 CFR 73.3597, or similar protections. It is the Conferees' belief that such action is necessary in order that the preference scheme not be "undermined by the rapid re-assignment or transfer of stations, construction permits or licenses granted by a lottery". Conference Report at 45. In the *Low Power* proceeding, the Commission adopted a one-year holding period on new licenses awarded by virtue of a comparative preference. 47 FR 21468, 21490 (May 18, 1982). We propose, consistent with the legislative history, that the same rule be retained in the lottery context, with respect to applications for low power stations. With respect to other media of mass communications, we propose to apply our present anti-trafficking rules. We encourage public comment on the accuracy of this interpretation of the Conference Report.

²⁴ The Commission intends, as a matter of administrative convenience, to include the required certification in Form 346 for low power television applications. This will be accomplished in another proceeding. Until that time, certification can be accomplished by amendment, for those already on file, or by attachment, for new applications. The low power application also will be amended to include claims for the preferences.

to shorten the administrative process through the use of a modified paper proceeding directly administered by the Commission. *Low Power Television Broadcasting and Television Transmitters, Report and Order*, BC Docket No. 78-253, FCC 82-107, 47 FR 21468, 21484 (May 18, 1982). See Note 8, *supra*. See also *Cellular Communications Systems*, 86 FCC 2d 469, 499-501 (1981), procedures modified in part on reconsideration, 89 FCC 2d 56, 90-94 (1982).

²⁰ Of course, should the Bureau participate as a party, it will not advise the Commission regarding that case unless its party participation is through a separated trial staff.

²¹ *Low Power Television Broadcasting and Television Transmitters*, 47 FR 21485.

²² See note 17, *supra*.

²³ Only at this point may applicants avail themselves of the discovery procedures normally available in adjudication cases.

Amendments to Applications

32. In order to ensure that lottery selection percentages are accurate and that the purposes of the statutory preference scheme are achieved, each applicant has affirmative duty promptly to notify the Commission and all other parties to the proceeding by amending its application to reflect any changes in ownership thereof or in the holdings of the applicant's owners in any other media of mass communications which might affect preference eligibility. For example, when an applicant for several low power licenses wins one lottery, its preference status would change in other lotteries. Thus, we propose to amend § 1.65 of our Rules to require that notification of such changes be made within seven days of the completion of any such changes made after the application was tendered for filing up to the date on which the public notice listing all applicants for a particular lottery is released. No such amendments will be permitted to increase the selection percentage of the applicant.²⁵ In conducting the lottery following an amendment, the Commission shall recompute selection percentages based on the reduced preference eligibility of the applicant in question. Preference eligibility changes occurring thereafter will affect selection percentages only if a second lottery is conducted.

33. All other amendments will continue to be subject to § 1.65 and any other pertinent portion of our Rules. However, applicants are cautioned that § 1.65 requires the filing of amendments "as promptly as possible and in any event within 30 days * * * 47 CFR 1.65. In keeping with the purpose of the lottery procedure to expedite the licensing process, applicants who file amendments will be expected to demonstrate full compliance with that rule (i.e.,) that the amendment was filed as promptly as possible.²⁶ We solicit comments on the practicability of these proposals.

Motions to Enlarge

34. Similarly, parties who file motions under § 1.229 will be expected to act expeditiously. We propose to delete that portion of § 1.229(b) which extends to 30 days from 15 days the period within which the filing of such motions is permitted in comparative broadcast

cases insofar as it applies to applications subject to a lottery.

Eligibility for Minority and Diversity Preferences

35. This section of the Notice sets forth the Commission's proposals for initially determining the amount of minority ownership and diversity preference that should be allocable to an applicant. We request commenters to respond in detail to any and all of the following proposals.

36. If a sole proprietor applicant is a "minority," he will receive a minority preference. If he owns more than a 50% ownership interest in a medium of mass communications, that ownership interest is attributable to him for the purpose of calculating the diversity preference.

37. The Committee Report states that the Commission shall, with respect to the diversity and minority preferences, "evaluate ownership in terms of * * * the partners in the case of a partnership." *Id.*, at 45. We interpret the quoted language literally to include both general and limited partnership interests. We seek comments on various approaches of determining partnership ownership for purposes of allocating preferences. One approach would be to evaluate the profit interests attributable to each of the general and limited partners. Under this approach, if the partnership agreement requires that more than 50% of the partnership applicant's profit be paid to minority group partners, the partnership applicant would qualify for a minority preference. Another approach would be to analyze the capital accounts of the general and limited partners. Under this approach, if the capital accounts of the minority group partners equal more than 50% of the firm's total capital accounts, the partnership applicant would qualify for a minority preference. Comments on these and other possible approaches are sought.

38. For the purpose of determining any diversity preference eligibility, the Commission proposes to consider the media holdings of the partnership itself and the combined cognizable holdings of the partners. The Committee Report indicates that a determination of media ownership should be based on whether the applicant's owners hold a controlling interest (more than 50%) in other mass media. See Conference Report at 42. Based upon this guidance, we propose that if a partnership applicant's investors together own over 50% of any medium of mass communications, then that ownership interest will be attributable to the applicant. However, if the partnership applicant's principals

together own 30% of medium A, 40% of medium B and 15% of medium C, the applicant will be eligible for a full diversity preference. The Commission proposes here to use a baseline of 1% for cognizable ownership interest by limited partners.²⁷ Thus, in a limited partnership, a limited partner must take 1% or more of the partnership's profits before that partner's other media interests are counted. However, any ownership interest over 50% in any medium of mass communications that is held (1) by the partnership itself, or (2) individually or collectively by either limited partners that take 1% or more of the profits or general partners of the applicant will be attributable to the applicant for the purpose of determining the diversity preference. We intend to treat non-stock corporations and unincorporated associations in a manner similar to partnerships in which each member holds an equal share.

39. The legislative history directs that trust ownership "will be evaluated in terms of the identity of the beneficiary." *Id.* at 45. Generally, we propose to treat trusts as we have proposed to treat general partnerships. If the trust itself or any individual or group of named beneficiaries from an applicant trust controls over 50% of any other media of mass communications, those ownership interests would be attributable to the trust applicant. We seek comments on whether all named beneficiaries should be treated similarly regardless of their income from the trust, or whether the Commission should evaluate only those beneficiaries that receive 1% or more of the trust income.

40. With regard to the minority ownership preference, the Commission will take into account the racial or ethnic characteristics of all of the named trust beneficiaries. If over 50% of the applicant trust's beneficiaries are minorities, the applicant trust will be entitled to a minority preference in the lottery.

41. The Committee Report directs the Commission to "evaluate ownership in terms of the beneficial owners of the corporation" for both the media ownership and minority ownership preferences. *Id.*, at 45. It is our intention to require corporate applicants seeking a lottery preference to specify the beneficial owners of the corporation. Thus, corporate applicants seeking lottery preferences will be required to certify the beneficial owners of the corporation's voting stock.

²⁷ The one percent standard is in accord with current ownership attribution benchmarks. 47 CFR 73.35, 73.240 and 73.636, note 3.

²⁵ This is consistent with present broadcast policy, as has been recognized in the low power Report and Order. See 47 FR at 21482, paragraph 55.

²⁶ In the common carrier public mobile services, the Commission recently proposed additional rule revisions designed to streamline the procedures related to filing of amendments. See "Notice of Proposed Rule Making," Mimeo 31724, released Sept. 8, 1982.

42. We propose granting a minority preference to those corporate applicants who certify at the time of application that over 50% of their voting stock is held by a minority. With regard to the diversity preference, we are proposing that only beneficial owners of 1% or more of the applicant's voting stock will be considered in determining the applicant's diversity preference. If one or more of those owning more than 1% of the corporate applicant, either individually or collectively, control more than 50% of any other medium of mass communications, then that ownership interest will be attributable to the applicant for calculating the diversity preference.

43. Consistent with our other cross ownership policies we propose to treat the other media ownership interests of the applicant as cognizable for calculating the diversity preference. However, we seek comment on whether this interpretation is consistent with the legislative history cited above. It will be the responsibility of any applicant seeking a diversity preference to demonstrate its eligibility for such preference.

44. The diversity preference must be modified for all applicants, however, to accommodate the Committee Report's particular concern with local ownership interests. The Report notes that "the avoidance of local ownership concentration should continue to be a factor of major significance in promoting diversity in the licensing process." *Id.*, at 43. Moreover, the Report directs that "no media ownership preferences should be awarded to any applicant whose owners, when aggregated, have controlling interest (over 50 percent) in any medium of mass communications which [is licensed to serve] the community of license for which of (sic) the grant is sought." *Id.* Thus, in view of this language, we propose to make ineligible for a diversity preference, those applicants the owners of which collectively own more than 50% of local medium of mass communications. The Commission proposes to require applicants seeking a diversity preference to certify whether they have a controlling interest in any media of mass communications licensed to serve, franchised to serve (in the case of a cable television system), or primarily serves (in the case of a daily newspaper) the community wherein the license of permit is sought. See Conference Report at 43.

Conclusion

45. Authority for this proposed rulemaking is contained in Sections 1, 3, 4 (i) and (j), 303, 309(i) and 403 of the

Communications Act of 1934, as amended (49 U.S.C. 151-609).

46. The major objective of this proceeding is to develop a process of random selection or lottery for choosing a licensee when there is more than one application for an initial license for any use of the electromagnetic spectrum. In addition, it is intended to provide preferential treatment to groups and individuals who are minorities or who own few or no other media of mass communications.

47. The legislative history of Section 309(i), as amended, provides substantial guidance as to the structure of lottery proceedings. Commenters are urged to set forth their analyses and proposals within its context.

48. Comments on all aspects of the analysis and proposed rules in this Notice are encouraged. However, in preparing their submissions, commenters should bear in mind that a set of comments and reply comments have already been submitted in this docket. Commenters are *strongly urged* not to be repetitive. Due to the time constraints imposed by the statute, we do not contemplate extensions of the comment period.

49. Pursuant to applicable procedures set forth in §§ 1.415 and 1.410 of the Commission's rules, interested parties may file comments on or before November 12, 1982, and reply comments on or before December 3, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. It is our firm intention not to grant any extensions of time on the comment and reply deadlines. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

50. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/

pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who makes an *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy of the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See 47 CFR 1.1231.

51. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis (IRFA) of the expected impact of these proposed policies and rules on small entities. The IRFA is set forth in Appendix A. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. 601 *et seq.* (1981).

52. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus eleven copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554. For further information on this proceeding, contact Randy W. Thomas

in the Office of the General Counsel
(202) 632-6990.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082;
47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—Initial Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, the Commission issues the following initial regulatory flexibility analysis.

Reason for Action and Objective

The proposed action will in certain instances allow lotteries to be used instead of comparative hearings to choose among mutually exclusive competing applications for a license. This proposal also grants a preference to groups and individuals who are minorities or who own few or no other media of mass communications. This action is expected to greatly lower the cost and speed the process of granting licenses in mutually exclusive cases.

Legal Basis

The authority for this proposed rulemaking is contained in Sections 1, 3, 4(i) and (j), 303, 309 and 403 of the Communications Act of 1934, as amended (47 U.S.C. 151-609).

Small Entities Affected

The proposed action will substitute lotteries for comparative hearings as a way to choose among mutually exclusive competing applicants for certain telecommunications licenses. It will also give a preference to minorities and those who own few or no other media of mass communications.

Existing and potential applicants for FCC licenses range in size from single individuals and small partnerships to large multi-million dollar corporations. This proposal is expected to decrease the legal and administrative costs of applying for a license. Hence many small businesses and nonprofit organizations which have not applied for licenses in the past may see this as an opportunity to enter the communications business and may now apply for licenses. Therefore, we expect that we may have many more applicants for some kinds of license than we did in the past.

Specific Alternatives that Could Accomplish the Same Objectives

At least two alternatives exist to the lottery proposal. One would be to retain the present comparative hearing process. Another alternative to using lotteries to choose among applicants for licenses would be to auction off those licenses to the highest bidder. However, the Commission does not appear to have statutory authority to hold an auction. The Congress has directed the Commission to implement a licensing lottery. Hence, there is no known alternative to establishing lottery procedures at the present time. Relevant Federal Rules That May Conflict, Duplicate or Overlap the Proposed Rule

The proposed action involves modifying a number of Commission rules; to our knowledge there is no Federal rule that

conflicts with, duplicate or overlap the proposals made in this Notice.

Reporting, Record-keeping and Compliance Requirements

The rule changes discussed in this proposal, if adopted, will have some attendant paperwork requirements. Applicants seeking a preference in the lottery will be required to certify to the Commission their eligibility for the preferences sought. In addition, the statute authorizing a lottery specifies that the Commission "shall have authority to require" qualified applicants to submit "such information as may be necessary to enable the Commission to make a determination regarding whether such applicant shall be granted such preference." 47 U.S.C. 309(i)(3)(B). Thus, applicants seeking a lottery preference will be required to comply with the Commission's definitional regulations specifying preference eligibility and retain such records as may be necessary to demonstrate eligibility for the preference.

Appendix B—Proposed Rules

In consideration of the foregoing, the Federal Communications Commission proposes to amend Title 47 of the Code of Federal Regulations as follows:

PART 1—PRACTICE AND PROCEDURE*

Subpart F—Private Radio Services Applications and Proceedings

1. In § 1.953, paragraph (a) is amended by adding after "Applications are processed in sequence according to date of filing" the words "or pursuant to the system of random selection prescribed in § 1.972 and — of this part", to read as follows:

§ 1.953 How applications are processed.

(a) Applications are processed in sequence according to date of filing, or pursuant to the system of random selection prescribed in §§ 1.972 and — of this part. Applications which are in accordance with the provisions of this chapter and established policies of the Commission may be processed to completion in accordance with the applicable delegations of authority as set forth in Part O of this chapter.

* * * * *

2. A new § 1.972 concerning grants by random selection is added to read as follows:

§ 1.972 Grants by random selection.

(a) The provisions of this section, including provisions incorporated by reference, shall apply to applications for initial licenses:

(1) For stations in the following Private Radio Services:

*Corresponding changes to other Part 1 sections will be made, as appropriate at the conclusion of this proceeding.

Part 81—Stations on Land in the Maritime Services (Public Coast Stations)

Part 87—Aviation Services (Aeronautical Advisory Stations, i.e., UNICOM stations)

Part 90—Private Land Mobile Services

Part 94—Private Operational-Fixed Microwave Services

(2) In any other proceedings in the Private Radio Services in which the Commission determines that there is no material difference in competing applicants' abilities to serve the public interest.

(b) Applications in the services specified above shall be tendered, filed, accepted or dismissed, publicly noted, and subject to Petitions to Deny in accordance with § 1.962 and the rules established for each respective service.

(c) If there are mutually exclusive applications for an initial license for stations subject to Part 81 or Part 87, or if there are more applications for initial licenses in Part 90 or Part 94 than can be accommodated or available frequencies, the Commission may process the applications pursuant to a system of random selection. Each such random selection shall be conducted under the direction of the Chief of the Private Radio Bureau. The selection percentages, preferences, and probability calculations prescribed in § 1.1621 *et seq.* of this part shall not be applicable to any system of random selection conducted in the Private Radio Bureau. Following the random selection, the Commission shall announce the tentative selectee and determine whether the tentative selectee is qualified to receive the license under the rules applicable to the respective service. Where authorized under § 1.962, Petitions to Deny which have been filed against the tentative selectee will be reviewed and processed prior to grant, in accordance with § 1.962 and those rules applicable to each respective service. If the Commission determines that the tentative selectee has satisfied all requirements, it shall grant the application. If the Commission is unable to make such a determination, it shall order that another random selection be conducted from among the remaining applicants. If the Commission determines that a substantial and material question of fact exists, it shall designate the question for hearing. Hearings may be conducted by the Commission or the Chief of the Private Radio Bureau, or, in the case of a question which requires oral testimony for its resolution, an Administrative Law Judge.

3. Section 1.973 is amended by removing out-dated language and adding a provision concerning random selection. A. revised, § 1.973 reads as follows:

§ 1.973 Designation for hearing.

(a) If the Commission is unable to make the findings prescribed in § 1.971(a) and does not utilize the system of random selection prescribed in § 1.972 of this part, it will formally designate the application for hearing on the grounds or reasons then obtaining and will notify forth-with the applicant and all other known parties in interest of such action.

(b) Orders designating applications for hearing will specify with particularity the matters and things in issue and will not include issues or requirements phrased generally.

(c) Parties in interest, if any, who are not notified by the Commission of its action in designating a particular application for hearing may acquire the status of a party to the proceeding by filing a petition for intervention showing the basis of their interest not more than 30 days after publication in the *Federal Register* of the hearing issues or any substantial amendment thereto.

(d) Any hearing subsequently held upon such applications shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. Hearings may be conducted by the Commission or by the Chief of the Private Radio Bureau, or, in the case of a question which requires oral testimony for its resolution, an Administrative Law Judge. The burden of proceeding with the introduction of evidence and burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission.

4. Subpart L is added to read as follows:

Subpart L—Random Selection Procedures for Mass Media Services

General Procedures

Sec.

- 1.1601 Scope.
- 1.602 Designation for random selection.
- 1.603 Conduct of random selection.
- 1.604 Post-selection hearings

Selection Percentages

- 1.1621 Definitions.
- 1.1622 Preferences.
- 1.1623 Probability calculation.

Authority: Secs. 4, 303, 48 Stat., as amended. 1066, 1082; 47 U.S.C. 154, 303.

Subpart L—Random Selection Procedures For Mass Media Services [New]

General Procedures

§ 1.1601 Scope.

The provisions of this subpart, including provisions incorporated thereof, shall apply to applications for initial licenses or construction permits in

(a) The following services:

Low Power Television Broadcasting

(b) Any other proceeding in which the Commission determines that there is no material difference in certain competing applicant's ability to serve the public interest.

§ 1.1602 Designation for random selection.

(a) Applications in the services specified in § 1.1601 shall be tendered, accepted or dismissed, filed, publicly noted and subject to random selection and hearing in accordance with the rules established for the pertinent class of service. Competing applications for an initial license or construction permit shall be designated for random selection and hearing in accordance with the procedures set forth below.

(b) Where, after hearing, the Commission determines that there are no material differences in certain competing applicant's ability to serve the public interest, it shall designate their applications for random selection. In such situations, the provisions of § 1.1604 shall not apply.

§ 1.1603 Conduct of random selection.

(a) Each random selection shall be conducted under the direction of the Chief of the appropriate Bureau.

(b) The random selection probabilities will be calculated in accordance with the formula set out in rules §§ 1.1621-1.1623. The Chief of the appropriate Bureau shall certify such probabilities are accurate.

§ 1.1604 Post-selection hearings.

(a) Following the random selection, the Commission shall announce the tentative selectee and, where otherwise permitted, invite petitions to deny its application. Following the responsive pleadings thereto, the Commission shall:

(1) In the case of low power television stations, take action pursuant to either §§ 73.3591, 73.3592 or 73.3593.

(b) If, after such hearing as may be necessary, the Commission determines that the tentative selectee has met the requirements of § 73.3591(a) it will make the appropriate grant. If the Commission is unable to make such a determination, it shall order that another random selection be conducted from among the

remaining mutually exclusive applicants, in accordance with the provisions of this subpart.

(c) If, on the basis of the papers before it, the Commission determines that a substantial and material question of fact exists, it shall designate that question for hearing. Hearings may be conducted by the Commission or the appropriate Bureau Chief, or, in the case of a question which requires oral testimony for its resolution, an Administrative Law Judge.

Selection Percentages

§ 1.1621 Definitions.

(a) Medium of Mass Communications means

(1) A daily newspaper,¹ and a license or construction permit for

(2) A television (including low power) station,

(3) A standard (AM) radio station,

(4) An FM radio station,

(5) A multipoint distribution system,

(6) A direct broadcast satellite transponder, and

(7) A cable television system.

(b) Minority Group means

(1) Blacks,

(2) Hispanics,

(3) American Indians,

(4) Alaska Natives,

(5) Asians, and

(6) Pacific Islanders.

(c) Owner means the applicant and any individual, partnership, unincorporated association, or corporation who

(1) If the applicant is a proprietorship, is the proprietor,

(2) If the applicant is a partnership, holds a partnership interest,²

(3) If the applicant is a trust, is the beneficiary thereof,

(4) If the applicant is an unincorporated association or non-stock corporation, is a member, or

(5) If the applicant is a stock corporation, holds voting shares.²

§ 1.1622 Preferences.

(a) Any applicant desiring a preference in the random selection shall so indicate as part of its application. Such an applicant shall list any owner

¹For purpose of this definition, a daily newspaper is one which is published four or more days per week, which is in the English language, and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally. See 47 CFR 73.35, 73.240 and 73.636, note 10 (1981).

²For purposes of applying the diversity preference to limited partnerships and corporations only the other ownership interests of limited partners or stockholders with a 1% or more interest in the corporation or profits of the partnership will be cognizable.

who owns all or part of a medium of mass communications or who is a member of a minority group, together with a precise identification of the ownership interest held in such medium of mass communications or name of the minority group, respectively. Such an applicant shall also state whether more than 50% of the ownership interests in it are held by members of minority groups and the number of media of mass communications more than 50% of whose ownership interests are held by its owners.

(b) Preference factors as incorporated in the percentage calculations in 1.1623, shall be granted as follows:

(1) Applicants, more than 50% of whose ownership interests are held by members of minority groups—2:1.

(2) Applicants whose owners hold more than 50% of the ownership interests in no other media of mass communications—2:1.

(3) Applicants whose owners hold more than 50% of the ownership interest in one, two or three other media of mass communications—1.5:1.

(c) Applicants may receive preferences pursuant to § 1.1622(b)(1) and either § 1.1622(b)(2) or (b)(3).

(d) Preferences will be determined on the basis of applicants' ownership as of the date of the most recent Public Notice which lists all applications acceptable for filing, except where modified by an amendment to an application filed prior to the cut-off date specified such Public Notice which reduces the applicant's in preference eligibility.

(e) No preferences pursuant to § 1.1622(b)(2) or (b)(3) shall be granted to an applicant whose owners control more than 50% of a medium of mass communications which is licensed or franchised to serve or, in the case of a newspaper, primarily serves the community for which the license is sought.

§ 1.1623 Probability calculation.

(a) All calculations shall be computed to three significant digits.

(b) Divide the total number of applicants into 1.00 to determine pre-preference probabilities.

(c) Multiply each applicant's pre-preference probability by the applicable preference from § 1.1622(b)(2) or (b)(3).

(d) Divide each applicant's probability pursuant to (c) by the sum of such probabilities to determine intermediate probabilities.

(e) Add the intermediate probabilities of all applicants who received a preference pursuant to § 1.1622(b)(2) or (b)(3).

(f)(1) If the sum pursuant to paragraph (e) of this section is less than .40, then

multiply each such intermediate probability by the ratio of .40 to such sum. Divide .60 by the number of applicants who did not receive a preference pursuant to § 1.1622(b)(2) or (b)(3) to determine their new intermediate probabilities.

(2) If the sum pursuant to paragraph (e) of this section is .40 or greater, take no action.

(g) Multiply each applicant's probability pursuant to (f) by the applicable preference ratio from § 1.1622(b)(1).

(h) Divide each applicant's probability pursuant to (g) by the sum of such probabilities to determine the final selection percentage.

Common Carrier Mobile Service Rules

PART 22 [AMENDED]

5. 47 CFR 22.23(a)* is revised to read as follows:

§ 22.23 Amendment of applications.

(a) *Amendments as of right.* A pending application may be amended as a matter of right within 90 days from the filing date of the application, provided, that:

(1) Amendments shall comply with § 22.29, as applicable; and

(2) No amendment to an application will be permitted after a petition to deny has been filed unless the amendment responds to all objections raised in all petitions such that any petitions may be dismissed.

6. 47 CFR 22.23(b) is amended by removing "or comparative evaluation" and by substituting "or selected under the random selection process." As amended, § 22.23(b) reads as follows:

(b) The Commission or the presiding officer may grant requests to amend an application designated for hearing or selected under the random selection process only if a written petition demonstrating good cause is submitted and properly served upon the parties of record.

7. 47 CFR 22.28(a) is amended by removing " * * * either * * * , or prior to selection of the comparative evaluation procedure of § 22.35 * * * ." As amended, § 22.28(a) reads as follows:

§ 22.28 Dismissal and return of applications.

(a) Except as provided under § 22.29, any application may be dismissed without prejudice as a matter of right if the applicant requests its dismissal prior to designation for hearing. An applicant's request for the return of his

* The language in § 22.23 tracks CC Docket 80-57, which revises and updates various rule sections in Part 22. See Notice of Proposed Rulemaking, Mimeo 31724, released Sept. 8, 1982.

application after it has been accepted for filing will be considered to be a request for dismissal without prejudice. Requests for dismissal shall comply with the provisions of § 22.29 as appropriate.

8. 47 CFR 22.28(b) is amended by removing, in the first sentence, the language " * * * either * * * or after selection of the comparative evaluation procedure of § 22.35," and by removing paragraph (2) and renumbering paragraph (3) as (2). As amended, § 22.28(b) reads as follows:

(b) A request to dismiss an application without prejudice will be considered after designation for hearing only if:

(1) A written petition is submitted to the Commission and is properly served upon all parties of record; and

(2) The petition complies with the provisions of § 22.29 (whenever applicable) and demonstrates good cause.

9. 47 CFR 22.28(c) is amended by removing the language " * * * or selection of the comparative procedure of § 22.35" and substituting the language " * * * or after selection under the random selection process * * * ." As amended, § 22.28(c) reads as follows:

(c) The Commission will dismiss an application for failure to prosecute or for failure to respond substantially within a specified time period to official correspondence or requests for additional information. Dismissal shall be without prejudice if made prior to designation for hearing or prior to selection under the random selection process, but dismissal may be made with prejudice for unsatisfactory compliance with § 22.29 or after designation for hearing or after selection under the random selection process.

10. 47 CFR 22.31(b) is amended by the language, " * * * will be entitled to comparative consideration with one or more conflicting applications * * * " and substituting the language, " * * * will be included in a random selection process * * * " to read as follows:

§ 22.31 Mutually exclusive applications.

(b) An application will be included in a random selection process only if:

10. 47 CFR 22.31(c) is amended by removing the language, " * * * in order to be considered comparatively with B. * * * " and substituting the language " * * * In order to be included in the

random selection process, * * *. As amended, § 22.31(c) reads as follows:

(c) Whenever three or more applications are mutually exclusive, but not uniformly so, the earliest filed application establishes the date prescribed in paragraph (b)(2) of this section, regardless of whether or not subsequently filed applications are directly mutually exclusive with the first filed application. [For example, applications A, B and C are filed in that order. A and B are directly mutually exclusive, B and C are directly mutually exclusive. In order to be included in the random selection process, C must be filed within the "cutoff" period established by A even though C is not directly mutually exclusive with A.]

11. 47 CFR 22.31(e)(1) is amended by removing the language " * * * designated for comparative hearing, or for comparative evaluation (pursuant to § 22.35 * * *," and substituting the language " * * * selected under the random selection process * * *,". As amended, § 22.31(e)(1) reads as follows:

(e) * * *
(1) The application has been selected under the random selection process, and the Commission or the presiding officer accepts the amendment pursuant to § 22.23(b);

12. 47 CFR 22.31(e)(4) is amended by removing the language " * * * entitled to comparative consideration of their applications * * *" and substituting " * * * entitled to participate in a random selection process * * *," to read as follows:

(e) * * *
(4) The amendment reflects only a change in ownership or control which results from an agreement under § 22.29 whereby two or more applicants entitled to participate in a random selection process join in one or more of the existing applications and request dismissal of their other application(s) to avoid the random selection process.

13. 47 CFR 22.32(b) is amended by removing the language of subparagraph (b)(2), and substituting the language, "The application is not subject to the random selection procedures set forth in Part I of this chapter,". As amended § 22.32(b) reads as follows:

§ 22.32 Consideration of applications.

(b) The grant shall be without a formal hearing if, upon consideration of the application, any pleadings or

objections filed, or other matters which may be officially noticed, the Commission finds that:

(1) The application is acceptable for filing, and is in accordance with the Commission's rules, regulation, and other requirement;

(2) The application is not subject to the random selection procedures set forth in Part I of this Chapter.

14.47 CFR 22.32(e) is amended by removing paragraphs (e)(3) and (e)(4), which discuss comparative hearing procedures. As amended, § 22.32(e) reads as follows:

(e) The Commission will designate an application for a formal hearing, specifying with particularity the matters and things in issue, if, upon consideration of the application, any pleadings or objections filed, or other matters which may be officially noticed, the Commission determines that:

(1) A substantial and material question of fact is presented;

(2) The Commission is unable for any reason to make the findings specified in paragraph (a) of this section and the application is acceptable for filing, complete, and in accordance with the Commission's rules, regulations, and other requirements.

15.47 CFR 22.32(f) is amended by removing the language " * * * paragraph (e) of this section after an appropriate hearing conducted in accordance with the provisions of § 22.35 or Part I of this Chapter," and substituting the language " * * * paragraph (e) or Part I of this Chapter,". As amended § 22.32(f) reads as follows:

(f) The Commission may grant, deny or take other action with respect to an application designated for a formal hearing pursuant to paragraph (e) or Part I of this Chapter.

16.47 CFR 22.32(g) is amended by removing the present language, which discusses conditional grants of mutually exclusive applications, and substituting a new paragraph (g) to read as follows:

(g) *Random selection procedure.* Where two more applications are mutually exclusive as set forth in § 22.21, the random selection procedure shall apply as set forth in Part I of this Chapter, except that cellular applications shall be considered as set forth in subpart K of this part.

§ 22.35 [Removed]

17.47 CFR 22.35 is removed and reserved. This rule, which discusses an optional procedure related to comparative proceedings, is rendered obsolete by the random selection process. Section 22.35 will therefore be eliminated.

PART 73—RADIO BROADCAST SERVICES

18. Section 73.3591, *Grants without Hearing*, will be amended by adding a new paragraph (d) to read as follows:

§ 73.3591. Grants without hearing.

(d) In the case of mutually exclusive low power television applications, the FCC will use the process of random selection set forth in Section 1. — to resolve the mutual exclusivity. If the FCC is subsequently unable to make all the findings specified in paragraph (a) of this section in favor of the applicant selected, it will designate the application for hearing.

19. Section 73.3593 will be revised as follows:

§ 73.3593 Designation for hearing.

If the FCC is unable, in the case of any application for an instrument of authorization, (except in the case of low power television) to make the findings specified in § 73.3591(a) it will formally designate the application for paper hearing as set forth in § 1.221. In the case of low power television applications, if after random selection (see § 73.3591(d)) or in the case of a single applicant, the FCC is unable to make all the findings specified in § 73.3591(a), it will designate the application for paper hearing as set forth in § 1.221. If, after culmination of the paper hearing, the FCC determines that oral testimony is necessary, the FCC will designate the application for oral hearing for purposes of cross examination. In designating an application for hearing, the FCC will notify the applicant and all known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

20. A § 81.51 concerning grants by random selection is added to read as follows:

§ 81.51 Grants by random selection.

If there are mutually exclusive applications for an initial license under

this part, the Commission may grant the applications pursuant to the system of random selection prescribed in § 1.972 of this chapter.

PART 87—AVIATION SERVICES

21. A new § 87.48 concerning grants by random selection is added to read as follows:

§ 87.48 Grants by random selection.

If there are mutually exclusive applications for an initial license under this part, the Commission may grant the applications pursuant to the system of random selection prescribed in § 1.972 of this chapter.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

22. Section 90.143 is amended by redesignating paragraph (b) as (c) and by adding new paragraph (b) concerning grants by random selection as follows:

§ 90.143 Grants of applications.

(b) All applications in pending status will be processed in the order in which the application acceptable for filing was received by the Commission; provided, however, that if there are more applications than can be accommodated on available frequencies, the Commission may grant the applications pursuant to the system of random selection prescribed in § 1.972 of this chapter.

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

23. In § 94.37, a new paragraph (c) concerning grants by random selection is added to read as follows:

§ 94.37 Grants of applications without hearing.

(c) All applications in pending status will be processed in the order in which the application acceptable for filing was received by the Commission; provided, however, that if there are more applications than can be accommodated on available frequencies, the Commission may grant the applications pursuant to the system of random selection prescribed in § 1.972 of this chapter.

[FR Doc. 82-28234 Filed 10-12-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-697; RM-4171]

Noncommercial Educational FM Station in Ojai, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 208A to Ojai, California, as its first noncommercial educational FM assignment, in response to a petition filed by Eugene G. White, Jr.

DATES: Comments must be filed on or before November 22, 1982, and reply comments on or before December 7, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: September 23, 1982.

Released: October 7, 1982.

1. Eugene G. White, Jr. ("petitioner") on July 28, 1982, filed a petition for rule making requesting the assignment of Channel 272A to Ojai, California, as its first FM assignment. Petitioner expressed a desire to apply for the channel, if assigned.

2. In support of the proposal, petitioner alleges that the proposed station will operate as a community oriented Christian religious broadcast facility. According to petitioner, the proposed station is to be non-profit and noncommercial.

3. Although the petitioner requested that Channel 272A be assigned to Ojai, California, from the information submitted, it appears that he is interested in a noncommercial station. Since our staff has determined that noncommercial educational Channel 208A is available for assignment to Ojai, we have substituted that channel for consideration herein.

4. Since Ojai, California, is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires concurrence from the Mexican Government.

5. In view of the foregoing information and the fact that the proposed assignment would provide a first noncommercial FM broadcast service, the Commission proposes to amend the Noncommercial Educational FM Table

of Assignments, § 73.504(a) of the Commission's Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Ojai, Calif.		208A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before November 22, 1982, and reply comments on or before December 2, 1982, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons

acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-28072 Filed 19-12-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-700; RM-4177]

TV Broadcast Station Baton Rouge, Louisiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF commercial television Channel 44 to Baton Rouge, Louisiana, pursuant to a request by Sterling Communications, Inc. as consultant to Samuel R. Levatino. The channel could provide a fourth commercial TV service to Baton Rouge.

DATES: Comments must be filed on or before November 22, 1982, and reply comments on or before December 7, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: September 24, 1982.

Released: October 7, 1982.

1. The Commission has under consideration a petition for rule making to assign UHF commercial television Channel 44 to Baton Rouge, Louisiana.

The petition was filed on August 5, 1982, by Sterling Communications, Inc. as consultant to Samuel R. Levatino ("petitioner").

2. In support of the proposal, petitioner states that Channel 44 can be assigned in full compliance with all applicable separation requirements. Petitioner also states that the proposal would provide Baton Rouge with its fourth commercial television broadcast service. Petitioner affirms that he would promptly apply for operation on the channel, if it were assigned to Baton Rouge.

3. In view of the foregoing, the Commission believes it appropriate to propose amending the TV Table of Assignments, § 73.606(b) of the Commission's Rules as follows:

Channel No.	City	
	Present	Proposed
Baton Rouge, La.	2, 9-, *27+, 33-	2, 9-, *27+, 33-, 44+

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before November 22, 1982, and reply comments on or before December 7, 1982, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission rules, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a

message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., a amended 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are

filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and § 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-28075 Filed 10-12-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-699; RM-4170]

FM Broadcast Station in Port Huron, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule

SUMMARY: This action proposes a second commercial FM channel to Port Huron, Michigan, in response to a petition filed by Midwest Radio Consultants, Inc.

DATES: Comments must be filed on or before November 22, 1982, and reply

comments on or before December 8, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: September 24, 1982.

Released: October 7, 1982.

1. A petition for rule making was filed on May 28, 1982, by Midwest Radio Consultants, Inc. ("petitioner"), proposing the assignment of Channel 272A¹ to Port Huron, Michigan, as its second FM assignment. Petitioner stated its intention to apply for the channel, if assigned. Port Huron is served by two AM stations (WHLS and WPHM), and by FM Station WSAQ (Channel 296A).

2. In support of the proposal, the petitioner submitted economic and demographic information pertaining to Port Huron. Petitioner also submitted a preclusion study for the proposed assignment. However, in view of the action taken in the *Second Report and Order*, BC Docket 80-130, 90 F.C.C. 2d 88 (1982), this information is no longer required to justify the proposal.

3. The proposed assignment of Channel 272A to Port Huron, Michigan, requires a substitution of Channel 288A for 272A at Chatham, Ontario. Canadian concurrence has been sought and obtained in the substitution of channels and for the proposed assignment of 272A to Port Huron.

4. Channel 272A can be assigned to Port Huron in conformity with the minimum distance separation requirements provided the transmitter site is located approximately 2.7 miles north of the city.²

5. In view of the fact that the proposal could provide a second local broadcast

¹The petition as filed sought the assignment of Channel 280A to Port Huron, Michigan, which required the substitution of Channel 284A for Channel 280-A (unoccupied) at Sarnia, Ontario. Under this proposal, Channel 284A at Sarnia would be short spaced to Station WIOT at Toledo, Ohio, resulting in interference within the 54 dBu contour of a future Sarnia station. As an alternative we are proposing the substitution of Channel 288A for Channel 272A at Chatham, Ontario, and the assignment of Channel 272A to Port Huron, Michigan, for consideration herein.

²This restriction is necessary to avoid short spacing to Station WLBS, Mt. Clemens, Michigan.

service to Port Huron, comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the rules as follows:

City	Channel No.	
	Present	Proposed
Port Huron, Mich	296A	272A, 296A

6. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before November 22, 1982, and reply comments on or before December 7, 1982, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the Public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons

acting on behalf of such parties must be made in written comments, Reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §§ 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-28074 Filed 10-12-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-698; Rm-4172]

FM Broadcast Station in Maljamar, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Class C Channel *254 to Maljamar, New Mexico, and to reserve the channel for noncommercial educational use, in response to a request from the Board of Regents, Eastern New Mexico University.

DATES: Comments must be filed on or before November 22, 1982, and reply comments on or before December 7, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: September 23, 1982.

Released: October 7, 1982.

1. The Board of Regents, Eastern New Mexico University ("Board"), has requested that noncommercial educational FM Channel 205C be

assigned to Maljamar, New Mexico. The assignment would require deletion of the assignment of Channel 205A from Pecos and from Seminole, Texas.

2. The Board states that it proposes to apply for authority to construct a station at or near a specified reference site north of Maljamar. The Board further states that the facility should provide 60 dBu coverage to a distance of approximately 64 kilometers from the site, with the object of covering Hobbs, Artesia, Roswell, Lovington and Carlsbad, New Mexico, which presently are without noncommercial educational FM service.

3. The assignment of Channel 205C to Maljamar conflicts with proposals in Docket No. 20735 concerning interference by noncommercial educational FM stations to TV Channel 6 television stations. Station KAVE (TV) Channel 6, Carlsbad, New Mexico, is located approximately 26 miles away.

4. Our study indicates that there are no noncommercial educational channels available to Maljamar which meet both the spacing requirements and the proposals set forth in Docket No. 20735. There are, however, several commercial channels available for assignment at the proposed Maljamar site. We do not usually assign and reserve commercial channels for noncommercial educational use. However, since no reserved channels are available for use at Maljamar, the assignment and reservation of a commercial channel is the only way to establish a noncommercial educational station to serve the Maljamar area. The Commission has in similar situations reserved a commercial frequency for noncommercial educational use. See *e.g.*, *Comobabi, Arizona*, 47 F.R. 32717, published July 29, 1982, and *Burlington and Newport, Vermont*, 45 R.R. 2d 786 (1979).

5. In view of the above, we are proposing the assignment of Channel *254 to Maljamar, New Mexico, and reserving the channel for noncommercial educational use. Since Maljamar is within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires coordination with the Mexican Government.

6. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules as follows:

City	Channel No.	
	Present	Proposed
Maljamar, N. Mex.		*254

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before November 22, 1982, and reply comments on or before December 7, 1982, and are advised to read the Appendix for the proper procedures.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and

307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed

comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 82-28073 Filed 10-12-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 18

Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Regulations are proposed to implement section 101(a)(5) of the Marine Mammal Protection Act of 1972, as amended, which directs the Secretary to allow, upon request, the incidental, but not intentional taking of small numbers of nondepleted marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if the Secretary makes certain findings and prescribes regulations. These regulations provide a mechanism for the submission and evaluation of requests and establish requirements for specific regulations and Letters of Authorization to conduct allowed activities.

DATE: Comments on the proposed regulations must be submitted on or before December 13, 1982.

ADDRESS: Interested persons or organizations should submit comments to the Chief, Division of Wildlife Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Reffalt, Chief, Division of Wildlife Management, U.S. Fish and Wildlife Service, Department of the

Interior, Washington, D.C. 20240, telephone—(202) 632-2202.

SUPPLEMENTARY INFORMATION: Public Law 97-58 amended the Marine Mammal Protection Act of 1972 (MMPA), by adding, among other things, a new section 101(a)(5), (16 U.S.C. 1371(a)(5)), on specific types of incidental take other than commercial fishing. The Fish and Wildlife Service (FWS) is responsible for implementing this new section with respect to the Orders Carnivora (polar bear, sea otter, and marine otter), Pinnipedia (walrus), and Sirenia (manatee and dugong). Some of these species, such as the sea otter and manatee, are also protected by the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, which restricts taking of these species independent of MMPA regulations proposed herein. On March 8, 1982, (47 FR 9869), the FWS published a Request for Information and Advanced Notice of Proposed Rulemaking, which solicited information and suggestions from interested persons on types of activities that may be authorized under section 101(a)(5) and on the structure and content of regulations relating to permissible methods of taking, monitoring, and reporting.

Information Received

The U.S. Minerals Management Service, Department of the Interior furnished information concerning oil and gas activities on or over the Outer Continental Shelf (OCS) and potential impacts in the following four categories: (1) Over-ice or waterborne geophysical surveys; (2) logistical support for exploration, development, and production activities; (3) OCS drilling and exploration related activities; and (4) OCS development and production related activities.

Kawerak, Inc., submitted information on ways to reduce the incidental taking of marine mammals by oil developers. They recommended that exploration in Norton Sound be limited during ice free conditions and remarks that incidental taking (disturbance) during the walrus mating season could result in non-productive females. In addition, they recommended that studies be conducted to determine the effects water discharge, pollutants, and drilling mud will have on the food chain.

The comments provided by the Minerals Management Service and Kawerak Inc., do not apply to the general regulations prepared by the Service, but will assist in evaluating requests for Letters of Authorization and developing specific regulations, if necessary.

ARCO Exploration Company commented that regulations are not necessary for unintentional taking of polar bears, walrus, and Alaskan sea otters. They stated that stipulations within required geophysical survey permits, leases, licenses, and the like are sufficient to prevent negative impacts to polar bears.

The Service believes that the issuance of general incidental take regulations will serve as a guide for submitting specific requests for such activity. These regulations will expedite issuance of specific incidental take regulations and Letters of Authorization thereby avoiding unnecessary costly delays to oil and gas exploration activities.

Summary of Proposed General Regulations

General regulations are proposed as a part of 50 CFR Part 18, to implement section 101(a)(5) of the Marine Mammal Protection Act of 1972 as amended, by providing a mechanism for allowing, upon request and appropriate findings, the incidental, but not intentional, taking of small numbers of non-depleted marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region.

Procedures proposed herein will govern applications for incidental take authorization. These procedures are described as follows:

Request

A formal written request submitted in accordance with section (d) of these regulations must be received by the FWS to determine whether the described incidental take may be authorized. Section (d) requests specific information from the applicant regarding the proposed activity, marine mammals in the area, and the potential impact of the specific activity on marine mammals.

Information Needed

The type of information needed by the FWS to assess whether authorization for incidental take is appropriate includes: (1) A full description of the specific activity that may result in incidental take of marine mammals including duration of activity and geographical location, (2) a description, based on the best available information, of the marine mammal populations in the specified geographical area (e.g., species, age classes, sex ratio, fecundity) and the type of take that may occur (e.g., harassment by sound, direct injury, death, or the like), (3) the potential impacts of the activity on the affected

marine mammal population(s), subsistence use of that population(s) by natives and rural Alaska residents, if any, and habitat quality, (4) a resume of the applicants attempts to employ only those specific activities that will result in the least amount of damage to marine mammal populations, subsistence take by natives and rural Alaska residents, if any, and habitat, (5) suggested means of monitoring and recording such specified activity to establish a data base for management purposes, and (6) suggested ways to enhance and maximize research in this area.

Decision Criteria

The Director, FWS, shall evaluate each complete request in light of the best available scientific evidence, and upon comments received from a required Federal Register public comment review period, to determine if the total taking over a 5 year or less period will result in a negligible impact to the species or stocks of marine mammals, their habitat, and on the availability of the species for subsistence use.

Development of Regulations

Specific regulations will be established for each approved specific activity setting forth permissible methods of taking and requirements for monitoring and reporting. Regulations will be updated as appropriate to reflect current knowledge of potential impacts to the marine mammal resource, its habitat, and subsistence take.

Regulations and Letters of Authorization

Letters of Authorization will be required for any person (as defined in the MMPA) to conduct the activities pursuant to any specific regulations governing the taking, reporting, and monitoring established for a specified activity. Issuance of a Letter of Authorization will be based on a determination that the level of taking will be consistent with the finding of the specific regulations that the total of such taking will have negligible impact on the species or stocks and their habitat, and on the availability of the species for subsistence uses. To ensure that the purposes of section 101(a)(5) are satisfied, Letters of Authorization will specify any terms and conditions that are appropriate. Letters of Authorization may be withdrawn or suspended if the FWS determines that the prescribed regulations are not being substantially complied with, or the allowed taking is having, or may have, more than a negligible impact on the species or stocks concerned.

Required Determinations

The Service has determined that the general regulations contained herein provide guidance to U.S. citizens applying for Letters of Authorization to allow incidental taking of marine mammals and as such, are categorically excluded from further National Environmental Policy Act (NEPA) requirements (Part 516 of the Departmental Manual, Appendix 1, section A(3) categorically excludes the issuance of regulatory procedures when the impacts are limited to administrative or technological effects). When specific regulations are proposed, an Environmental Assessment will be prepared per the Service's NEPA compliance procedures.

The Department of the Interior has determined that this is not a major rule under Executive Order 11291, nor does it have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. Oil companies and their contractors, conducting seismic exploration activities in Alaska, have been identified as possible applicants under the proposed regulations. These potential applicants are not identified as small businesses in the Regulatory Flexibility Act. The Service anticipates that fewer than five requests for Letters of Authorization will be received annually. The Determination of Effects on this proposed rule is available from the individual identified under the section "For Further Information Contact."

Information Collection Requirements

This rule does not contain information collection requirements which require approval from the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, because the potential respondents number fewer than ten annually.

List of Subjects in 50 CFR Part 18

Administrative practice and procedure, Alaska, Exports, Imports, Intergovernmental relations, Marine mammals, Transportation.

Accordingly, the Service proposes to add 50 CFR 18.27 as shown below.

1. The authority for 50 CFR Part 18 is revised to read as follows:

Authority: Marine Mammal Protection Act of 1972, as amended, (Pub. L. 92-522, 86 Stat. 1027; Pub. L. 97-58, 95 Stat. 979 (16 U.S.C. 1361-1407)).

2. Amend the table of sections for Part 18 by adding a new § 18.27 as follows:

PART 18—MARINE MAMMALS

* * * * *

Sec.

18.27 Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities.

* * * * *

3. Add a new § 18.27 in Subpart c, General Exceptions as follows:

§ 18.27 Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities.

(a) *Purpose of regulations.* The regulations in this section implement Section 101(a)(5) of the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1371(a)(5), Pub. L. 97-58, which provides a mechanism for allowing, upon request, during periods of not more than five consecutive years each, the incidental, but not intentional, taking of small numbers of non-depleted marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region.

(b) *Scope of regulations.* The taking of small numbers of marine mammals under Section 101(a)(5) of the Marine Mammal Protection Act may be allowed only if the species involved are not depleted and if the Fish and Wildlife Service: (1) finds that the total taking during the specified time period will have a negligible impact on the species and their habitat, and on the availability of the species for subsistence uses; (2) prescribes regulations setting forth permissible methods of taking and other means of effecting the least practicable adverse impact on the species and their habitat, paying particular attention to rookeries, mating grounds, and other areas of similar significance; and (3) prescribes regulations pertaining to the monitoring and reporting of such taking.

Note.—The information collections contained in this § 18.27 are not subject to Office of Management and Budget approval under the Paperwork Reduction Act of 1980, (44 U.S.C. 3501 *et seq.*) since there will be ten or less respondents annually.

(c) *Definitions.* In addition to definitions contained in the Act and in 50 CFR 18.3 and unless the context otherwise requires, in this section:

"Citizens of the United States" and "U.S. citizens" mean individual U.S. citizens or any partnership, corporation, association, or similar entity if it is organized under the laws of the United States or any governmental unit defined in 16 U.S.C. 1362(13) and controlled by individuals who are U.S. citizens. U.S. Federal, State and local government agencies shall also constitute citizens of the United States for purposes of this section.

"Incidental, but not intentional, taking" means accidental taking. It does not mean that the taking is unexpected, but rather it includes those takings which are infrequent, unavoidable, or accidental. (Complete definition of take is contained in 50 CFR 18.3.)

"Negligible impact" means an impact which can be disregarded or which is so small, unimportant, or of so little consequence as to warrant little or no attention. A finding of negligible impact cannot be made if a species or stock is depleted under 16 U.S.C. 1362(1).

"Small numbers" means a portion of a marine mammal species or stock whose taking would have a negligible impact on that species or stock.

"Specified activity" means any activity, other than commercial fishing, which takes place in a specified geographical region and potentially involves the taking of small numbers of non-depleted marine mammals. The specified activity and specified geographical region should be identified so that the anticipated effects on non-depleted marine mammals will be substantially similar.

"Specified geographical region" means an area within which a specified activity is conducted and which has similar biogeographic characteristics.

(d) *Submission of requests.* (1) In order for the Fish and Wildlife Service to consider allowing the taking by U.S. citizens of small numbers of non-depleted marine mammals incidental to a specified activity, a written request must be submitted to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Requests shall include the following information on the activity in general and cumulative impacts of the total potential taking (by all persons conducting the activity):

(i) A description of the specific activity or class of activities that can be expected to result in incidental taking of non-depleted marine mammals;

(ii) The dates and duration of such activity and the specific geographical region where it will occur;

(iii) The best available information on the species and numbers of marine mammals likely to be taken by age, sex and reproductive condition, and the type of taking (e.g., disturbance by sound, injury or death resulting from collision, etc.) and the number of times such taking is likely to occur;

(iv) A description of the status, distribution, and seasonal distribution (when applicable) of the affected

species or stocks likely to be affected by such activities;

(v) The anticipated impact of the activity upon the species or stocks;

(vi) The anticipated impact of the activity on the availability of the species or stocks for subsistence uses;

(vii) The anticipated impact of the activity upon the habitat of the marine mammal populations, and the likelihood of restoration of the affected habitat;

(viii) The anticipated impact of the loss or modification of the habitat on the marine mammal population involved;

(ix) The availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, their habitat, and on their availability for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance;

(x) Suggested means of accomplishing the necessary monitoring and reporting which will result in increased knowledge of the species, level of taking, or impacts and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity; and

(xi) Suggested means of learning of, encouraging, and coordinating research opportunities, plans, and activities relating to reducing such incidental taking and evaluating its effects.

(2) The Director shall determine the adequacy and completeness of a request, and if found to be adequate, will invite information, suggestions, and comments through notice in the *Federal Register*, newspapers of general circulation, and appropriate electronic media in the coastal areas that may be affected by such activity. All information and suggestions will be considered by the Fish and Wildlife Service in developing, if appropriate, the most effective regulations.

(3) The Director shall evaluate each request to determine, based on the best available scientific evidence, whether the total taking constitutes a negligible impact on the species or stocks of marine mammals, their habitat, and on the availability of the species for subsistence uses. Any preliminary finding of negligible impact shall be proposed for public comment before specific regulations are promulgated.

(e) *Specific regulations.* (1) Specific regulations will be established for each allowed activity which set forth

permissible methods of taking and requirements for monitoring and reporting.

(2) Regulations will be established based on the best available information. As new information is developed, through monitoring, reporting, or research, the regulations may be modified, in whole or part, after notice and opportunity for public review.

(f) *Letters of Authorization.* (1) A Letter of Authorization, which may be issued only to U.S. citizens, is required to conduct activities pursuant to any regulations established. Requests for Letters of Authorization shall be submitted to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

(2) Issuance of a Letter of Authorization will be based on a determination that the level of taking will be consistent with the finding that the total of such taking will have a negligible impact on the marine mammal species or stocks and their habitat, and on the availability of the species for subsistence uses.

(3) Notice of issuance of all Letters of Authorization will be published in the *Federal Register* within 30 days of issuance.

(4) Letters of Authorization will specify the period of validity and any additional terms and conditions appropriate for the specific request.

(5) Letters of Authorization shall be withdrawn or suspended if, after notice and opportunity for public comment, the Director determines that (i) the regulations prescribed are not being substantially complied with, or (ii) the taking allowed is having, or may have, more than a negligible impact on the species or stocks concerned, their habitat, or on their availability for subsistence uses.

(6) The requirement for notice and opportunity for public review in (f)(5) of this section shall not apply if the Director determines that an emergency exists which poses a significant risk to the well-being of the species or stocks of marine mammals concerned.

This proposed rule was prepared by Rupert R. Bonner, Jr., Division of Wildlife Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

Dated: September 16, 1982.

G. Ray Arnett,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-28140 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 47, No. 198

Wednesday, October 13, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Meat Import Limitations; Fourth Quarterly Estimate

Public Law 88-482, enacted August 22, 1964, as amended by Pub. L. 96-177 (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lamb, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated aggregate quantity of meat articles prescribed for calendar year 1982 by subsection 2(c) as adjusted under subsection 2(d) of the Act.

As published on December 24, 1981 (46 FR 62487), the estimated aggregate quantity of meat articles prescribed by subsection 2(c) of the Act during the calendar year 1982, is 1,182 million pounds.

In accordance with the requirements of the Act, I have determined that the fourth quarterly estimate for 1982 of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1982 is 1,294 million pounds.

Done at Washington, D.C. this 8th day of October, 1982.

Richard E. Lyng,
Acting Secretary.

[FR Doc. 82-28344 Filed 10-12-82; 10:59 am]

BILLING CODE 3410-10-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 193]

Designation of New Grantee for Foreign-Trade Zone 68, El Paso, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

After consideration of the request with supporting documents (filed 5/10/82) of the El Paso Trade Zone, Inc., a Texas non-profit corporation affiliated with the El Paso International Airport Board, as grantee of Foreign-Trade Zone 68, El Paso, Texas, for reissuance of the grant of authority for said zone to the City of El Paso, a Texas Municipal Corporation, which has accepted such reissuance subject to approval of the FTZ Board, the Board finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the request and recognizes the City of El Paso, as the new grantee of Foreign-Trade Zone 68, El Paso, Texas.

Signed at Washington, D.C. this 30th day of September 1982.

Malcolm Baldrige,

Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 82-28141 Filed 10-12-82; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 24-82]

Proposed Foreign-Trade Zone, Calcasieu Parish, Louisiana, Lake Charles Customs Port of Entry; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Board of Commissioners of the Lake Charles Harbor and Terminal District (the Commissioners), a political subdivision of the State of Louisiana, requesting authority to establish a general-purpose foreign-trade zone at the Port of Lake Charles, Calcasieu

Parish, Louisiana, within the Lake Charles Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on October 1, 1982. The applicant is authorized to make this proposal under Sections 61-65 of Title 51, Louisiana Revised Statutes.

The zone project will cover two sites totalling 870 acres along the Calcasieu River and Ship Channel and the Industrial Canal in Lake Charles and Calcasieu Parish. Site 1 involves five parcels in or near the general cargo area of the Port of Lake Charles, with four having direct access to ship berths 6,8,9, and 15. A transit shed and a multi-purpose building are available for initial zone activities. A large parcel south of the general cargo area will be used for firms requiring separate facilities and for standby space.

Site 2 is a 360-acre industrial area on the Industrial Canal, located some 12 miles south of the general cargo area. This site is intended as a standby area for industrial or chemical operations that are not appropriate for the general cargo area.

The application contains evidence of the need for zone services in the Lake Charles area. Prospective tenants have indicated an interest in using the zone for warehousing, distribution and processing of products such as chemicals, pigments, rubber, distilled spirits and food products, and for the refurbishing of oil well-head equipment used abroad.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Donald Gough, Director (Inspection and Control), U.S. Customs Service, Region VI, 500 Dallas Street, Houston, Texas 77002; and Colonel Robert C. Lee, District Engineer, U.S. Army Engineer District New Orleans, P.O. Box 60267, New Orleans, Louisiana 70160.

As part of its investigation, the examiners committee will hold a public hearing on November 3, 1982, beginning at 9:00 a.m., in the Board Room of the Lake Charles Harbor and Terminal District Building, 150 Marine Street,

Lake Charles. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377-2862) by October 27, 1982. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary at any time from the date of this notice through December 3, 1982. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 150 Marine Street, Lake Charles, Louisiana 70602
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1519, 14th and Pennsylvania NW., Washington, D.C. 20230

Dated: October 6, 1982.

John J. Da Ponte,
Executive Secretary.

[FR Doc. 82-28137 Filed 10-12-82; 8:45 am]
BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council's Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee which will meet to discuss the relationship of science and fisheries regulations; discuss Canada's Kirby Commission Report; discuss the redefinition of the Scientific and Statistical Committee's role vis-a-vis the Council and the Northeast Fisheries Center, as well as other Committee business.

DATES: The public meetings will take place on Monday, October 25, 1982, at approximately 7 p.m., adjourn at approximately 10 p.m.; reconvene on Tuesday, October 26, 1982, at approximately 8 a.m., adjourn at approximately 10 a.m., and will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park—Route One, Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

Dated: October 7, 1982.

Jack L. Falls,
Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-28147 Filed 10-12-82; 8:45 am]
BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting With a Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of Public Meeting with a Partially Closed Session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agenda for the forthcoming public meeting with a partially closed session of the New England Fishery Management Council. The New England Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, 16 U.S.C 1852) to manage and conserve America's fisheries as specified by the Act.

DATE: October 26-27, 1982.

ADDRESS: The meeting will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

Agenda:

Council (open meeting)—October 26-27, 1982 (10 a.m. to 5 p.m. on October 26; 9 a.m. to 3 p.m. on October 27)—review the public hearing schedule for the American Lobster Fishery Management Plan; discuss developments on the Atlantic Sea Herring Fishery Management Plan and review foreign fishing permit applications. The meeting

may be lengthened or shortened, or agenda items rearranged, depending on progress on the agenda.

Council (closed session)—October 27, 1982 (3 p.m. to 5 p.m.)—discuss participation in litigation before an international tribunal in regard to the U.S./Canada/Gulf of Maine boundary dispute. Only those Council members and selected staff having security clearances will be allowed to attend this closed session.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on October 7, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such an executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Record Inspection Facility, Room 6628, Department of Commerce.) All other portions of the Council's meeting will be open to the public.

Dated: October 7, 1982.

Jack L. Falls,
Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-28149 Filed 10-12-82; 8:45 am]
BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meeting With a Partially Closed Session and Public Meetings of Its Scientific and Statistical Committee and Its Groundfish and Salmon Subpanels

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of Public Meetings with a Partially Closed Session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agendas of the forthcoming meetings of the Pacific Fishery Management Council, its Scientific and Statistical Committee (SSC), and its Groundfish

and Salmon Subpanels. The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), and the Council has established a SSC and Groundfish and Salmon Subpanels to assist the Council in carrying out its responsibilities.

DATES: November 16-18, 1982.

ADDRESS: The meetings will take place at the Casa Munras Garden Hotel, 700 Munras Avenue, Monterey, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Agendas

Council (open meetings)—in the Norman Room, November 17-18, 1982 (1:30 p.m. to 5 p.m., on November 17; 8 a.m. to 5 p.m., on November 18)—discuss the 1983 salmon management issues; the draft Anchovy Fishery Management Plan (FMP) Amendment No. 4; receive a progress report on the framework Salmon FMP Amendment; consider groundfish FMP matters—whether or not to increase sablefish optimum yield; discuss specification for 1983 groundfish optimum yields, acceptable biological catches, joint venture processing and total allowable levels of foreign fishing and points of concern management measures for widow rockfish in 1983; a public comment period will be conducted beginning at 4 p.m., on November 17.

Council (closed session)—November 17, 1982 (noon to 1:30 p.m.)—discuss the status of fishery negotiations between the U.S. and Canada. Only those Council members and selected staff having security clearances will be allowed to attend this closed session.

Scientific and Statistical Committee (open meetings)—in the McKee A Room, November 16-17, 1982 (10 a.m. to 5 p.m., on November 16; 10 a.m. to 5 p.m., on November 17)—evaluate and develop recommendations on the 1983 salmon management; discuss the progress report on the salmon framework FMP amendment, the draft anchovy FMP amendment, and consider groundfish FMP management issues referred to the Committee by the Council; a comment period will be conducted at 3:30 p.m., on November 16.

Salmon Advisory Subpanel (open meeting)—in the McKee B Room, November 16, 1982 (10 a.m. to 5 p.m.)—evaluate and develop recommendations on 1983 salmon management measures; review and discuss the progress report

on the salmon framework FMP amendment.

Groundfish Advisory Subpanel (open meeting)—November 17, 1982 (9 a.m. to 5 p.m.)—discuss groundfish FMP management issues.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on July 23, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the session will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order, to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.) All other portions of the meeting will be open to the public.

Dated: October 7, 1982.

Jack L. Falls,
Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-28148 Filed 10-12-82; 8:45 am]

BILLING CODE 3510-22-M

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, October 19, 1982, beginning at 1:30 p.m. The hearing will be a part of the Commission's regular October business meeting which is open to the public. Both the hearing and the meeting will be held in the Terrace Ballroom of the Pocono Manor Inn, Pocono Manor, Pennsylvania. The subjects of the hearing will be:

A. **Water Resources Program.** A proposed eighteenth annual Water Resources Program has been prepared in accordance with Section 13.2 of the Delaware River Basin Compact. The Program summarizes basin water resource needs and programs over a six-year period including water supply, pollution control, flood protection and other functional aspects of water management with which the

Commission is concerned. Copies of the draft Water Resources Program are available from the Commission upon request.

B. **Application for approval of the following project pursuant to Section 3.8 of the Compact:**

Arco Pipe Line Company (D-82-41). Relocation of a petroleum pipeline crossing an unnamed tributary of Mill Creek in Tilden Township, Berks County, Pennsylvania. The line, presently exposed, will be buried three feet beneath the streambed.

Documents relating to this project may be examined at the Commission's offices. Contact Mr. David B. Everett.

Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

Dated: October 5, 1982.

Susan Weisman,
Secretary.

[FR Doc. 82-28060 Filed 10-12-82; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 82-14-NG]

Natural Gas Imports; Midwestern Gas Transmission Company and Great Lakes Gas Transmission Company; Joint Application to Amend Authorizations to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application to Amend Natural Gas Import Authorization to Extend the Term of the Import.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Midwestern Gas Transmission Company (Midwestern) and Great Lakes Gas Transmission Company (Great Lakes) to amend their current authorizations to import certain volumes of natural gas purchased from TransCanada Pipelines Limited (TransCanada) by extending the term of those authorizations from October 31, 1982, to October 31, 1983. The application is filed with ERA pursuant to Section 3 of the Natural Gas Act (NGA) and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m., on October 25, 1982.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass (Natural Gas Branch),
Oil and Gas Imports Division, Office
of Fuels Programs, Economic
Regulatory Administration, 12th and
Pennsylvania Avenue, NW.,
Washington, D.C. 20461, (202) 633-
9296.

Sue D. Sheridan (Office of General
Counsel, Natural Gas and Mineral
Leasing), 1000 Independence Avenue,
SW., Washington, D.C. 20585, (202)
252-6667.

SUPPLEMENTARY INFORMATION: By an order issued on August 9, 1979, in ERA Docket No. 79-04-NG, ERA authorized Midwestern to import on a best efforts basis through October 31, 1980, up to 114 Bcf of natural gas purchased from TransCanada. DOE/ERA Opinion and Order No. 20, issued on October 16, 1980, in ERA Docket No. 80-17-NG extended that authorization through October 31, 1981. That authorization was further extended through October 31, 1982, by DOE/ERA Opinion and Order No. 36, issued on October 26, 1981, in ERA Docket No. 81-28-NG. Midwestern purchases the natural gas under a contract with no take-or-pay requirements and resells the imported volumes to Tennessee Gas Pipeline Company (Tennessee), Northern Natural Gas Company (Northern) and Natural Gas Pipeline Company of America (Natural), in accordance with these customers' needs.

By the order issued on July 11, 1979, in ERA Docket No. 78-011-NG, Great Lakes was authorized to import on an interruptible basis through October 31, 1980, up to 18 Bcf of natural gas purchased from TransCanada. The gas imported by Great Lakes under this authorization is resold to Midwestern and is not subject to any take-or-pay requirements. DOE/ERA Opinion and Order No. 21 (Order 21), issued October 20, 1980, in ERA Docket No. 80-16-NG, extended that authorization through October 31, 1981, in order to permit Great Lakes to import the remaining portion of the 18 Bcf previously authorized. Order 21 also authorized Great Lakes to import additional volumes, as necessary, through October 31, 1981, for company use to provide transportation services for the account of Midwestern. That authorization was further extended through October 31, 1982, by DOE/ERA Opinion and Order No. 35, issued on October 23, 1981, in ERA Docket No. 81-27-NG.

On September 22, 1982, Midwestern and Great Lakes (applicants) jointly filed an application for an extension of their authorizations through October 31,

1983, at the current international border price of U.S. \$4.94 per MMBtu, in order to permit the import of the remaining volumes already authorized. The applicants state that they have imported approximately 67 Bcf of the 132 Bcf authorized. In support of their application, the applicants state that the availability of this supply with no take-or-pay requirement provides their customers "flexibility to meet unusually heavy weather demand or to cope with emergency conditions which might interrupt normal services of supply or impair their system operations." The applicants assert that their application is in the public interest, and request expedited consideration in order to permit them to continue importing after October 31, 1982.

Other Information

Any person wishing to become a party to the proceeding, and thus to participate in any conference or hearing which might be convened, must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All persons and petitions to intervene must meet the requirements that were specified by the regulations that were in effect on October 1, 1977, in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Branch, Oil and Gas Imports Division, Office of Fuels Programs, Economic Regulatory Administration, Room 6144, RG-631, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., October 25, 1982.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by the ERA, or if the ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for a hearing must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Tennessee's application is available for inspection and copying in the Natural Gas Branch Docket Room, located in Room 6144, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of

8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on October 8, 1982.

James W. Workman,

*Director, Office of Fuels Programs, Economic
Regulatory Administration.*

(FR Doc. 82-28240 Filed 10-12-82; 8:45 am)

BILLING CODE 6450-01-M

Office of Energy Research**Energy Research Advisory Board;
Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board (ERAB).

Date and Time: Thursday, November 4, 1982—9 a.m. to 5 p.m. Friday, November 5, 1982—9 a.m. to 5 p.m.

Place: Department of Energy, Room 8E-089, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585.

Contact: Gloria Decker, Information Management Systems Branch, U.S. Department of Energy, Forrestal Building, MA-241, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: 202/252-8890.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda: Briefings and discussions of:

- Draft Report of the Conservation R&D Panel.
 - Federal Role in Energy R&D.
 - Proposed studies on Materials R&D and Light Water Reactor Technology.
 - Public comment (10 minute rule).
- Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gloria Decker at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW, Washington, DC, between 8:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on October 6, 1982.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 82-29020 Filed 10-12-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals has directed that \$139,300 in refunds made available pursuant to a consent order entered into by C. K. Smith & Company, Inc. be distributed to customers who purchased No. 6 residual fuel oil from the firm during the consent order period.

DATE AND ADDRESS: Any additional information provided must be received within 45 calendar days following publication of this Notice in the Federal Register, should refer to Case No. HEX-0044, and should be addressed to: C. K. Smith & Company, Inc., Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, HG-40, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Thomas L. Wieker, Deputy Director, Office of Hearings and Appeals, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-9834.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the final Decision and Order set out below. The Order provides for the disbursement of the contents of an escrow account funded by C. K. Smith &

Company, Inc., pursuant to a consent order entered into by Smith and the DOE.

The Boston Support Office of the Office of Regional Counsel provided the names of the Smith customers during the period covered by the consent order. Accordingly, the DOE determined that the \$139,300 settlement fund made available by Smith, plus interest accumulated in the escrow account, should be distributed to those customers. However, the DOE was unable to ascertain the address of seven of Smith's customers during the relevant period. The DOE's Office of the Controller was therefore directed to immediately disburse the appropriate refund shares to Smith customers for whom a current address is known. The DOE provided that the refund shares of the seven firms whose current addresses are unknown should remain in the escrow account for a period of 60 days, thereby providing those firms with an opportunity to inform the DOE of their present location. At the end of the 60 day period the DOE will issue an Order directing that an appropriate refund be disbursed to any of the seven firms whose address has been learned, and that any remaining funds be immediately deposited into the United States Treasury.

Any information concerning the present location of the seven Smith customers for which the DOE has no current address should be sent to the address set forth at the beginning of this Notice. Such information must be received within 45 days of the date of publication of this Notice in the Federal Register. Any information received will be available for public inspection between the hours of 1:00 and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1111, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Issued in Washington, D.C. on October 4, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Supplemental Order

Name of petitioner: Office of Enforcement, Economic Regulatory Administration; In the Matter of C. K. Smith & Company, Inc.

Date of filing: September 7, 1982.

Case number: HEX-0044.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) (now the Office of Special Counsel) may request the Office of Hearings and Appeals to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. See 10 CFR Part 205, Subpart V.

In accordance with these regulatory provisions, the OE filed a Petition for the Implementation of Special Refund Proceedings in connection with a consent order entered into with C. K. Smith & Company, Inc. (Smith). Smith is a "reseller-retailer" of No. 6 residual fuel oil as that term was defined in 10 CFR 212.31 and 8 CFR 150.352. An audit of Smith's records revealed possible pricing violations with respect to the firm's sales of that product during the period December 20, 1973 through April 30, 1974. In order to settle all claims and disputes between Smith and the DOE regarding Smith's sales of No. 6 residual fuel oil during that period, Smith and the DOE entered into a consent order on May 30, 1979, in which Smith agreed to pay \$139,300 to the DOE. Notice of the consent order was published in the Federal Register. See 44 FR 39242 (July 5, 1979).

On July 16, 1982, the Office of Hearings and Appeals issued a Decision and Order setting forth procedures to distribute refunds to parties who were injured by the alleged Smith violations. Specifically, we determined that refunds should be made to actual customers that purchased No. 6 fuel oil from Smith during the period covered by the Smith consent order, as set forth in Table A below:

TABLE A

Name and address of Smith customer	I Over-charge amount	x 86.96%	=	II Amount of principal to be refund- ed ¹	III Percent- age of accumu- lated interest to be refunded
Town of Braintree, Electric Light Dept., 44 Allen Street, E. Braintree, MA 02134	\$17,714			\$15,404	11.0585
Cincinnati Milacron, P.O. Box 19321, Worcester, MA 01613	3,732			3,245	2.3298
Colonial Press, One Green Street, Clinton, MA 01510	3,426			2,979	2.1388
Corazzini Bros., One Blossom Street, Lexington, MA 02173	1,579			1,373	.9857
General Foods, Jello Division, Atlantic Gelatin, Hill Street, Woburn, MA 01801	32,722			28,455	20.4276
Johnson Bros., East Street, Lexington, MA 02173	3,224			2,804	2.0127
KSP Realty, 43 Broad Street, Hudson, MA 01749	1,602			1,393	1.0001
Leslie Realty, 340 Main St., Rm. 366, Worcester, MA 01608	2,936			2,553	1.8329
Mass. Correctional Inst., 965 Elm Street, West Concord, MA 01742	3,130			2,722	1.9540
Mass. Correctional Inst., Loring Drive, Framingham, MA 01701	3,216			2,797	2.0077
Danvers State Hospital, Middleton Colony, Danvers, MA 01923	11,492			9,993	7.1742
Framingham State College, 100 State Street, Framingham, MA 01701	6,941			6,036	4.3331

TABLE A—Continued

Name and address of Smith customer	I Over- charge amount	x 86.96%	= II Amount of principal to be refund- ed ¹	III Percent- age of accumu- lated interest to be refunded
University of Massachusetts, Medical School, Worcester, MA 01605	4,676		4,066	2,9191
Rutland Heights Hospital, Maple Avenue, Rutland, MA 01543	2,229		1,938	1,3915
Massachusetts DPW, Maintenance & Traffic, Wellesey, MA 02155	3,133		2,724	1,9559
Worcester State Hospital, 305 Belmont Street, Worcester, MA 01604	9,012		7,837	5,6260
Lyman School for Boys, Commonwealth of Mass., Westboro, MA 01581	2,032		1,767	1,2685
Salem State College, Commonwealth of Mass., Salem, MA 01970	4,182		3,637	2,6107
Middlesex County Hospital, 775 Trapello Road, Waltham, MA 02154	4,824		4,195	3,0115
Moore Fabrics 881 Main Street, Pawtucket, RI 02860	1,023		890	6386
New Bedford Housing, Bay Village, New Bedford, MA 02741	2,888		2,511	1,8029
Rand Whitney Corp., A-Grand Street, Worcester, MA 01610	1,993		1,733	1,2442
Paul Revere Life Insurance, 18 Chestnut Street, Worcester, MA 01608	2,024		1,760	1,2635
Rowland Industries, 300 Canal Street, Lawrence, MA 01890	3,143		2,733	1,9621
State Mutual Life, 440 Lincoln Street, Worcester, MA 01605	1,612		1,402	1,0063
Steam Associates, Inc., 720 Suffolk Street, Lowell, MA 01854	5,316		4,623	3,3187
St. Vincent Hospital, 25 Winthrop Street, Worcester, MA 01604	3,646		3,171	2,2761
Synthetic Mattress Corp., 22 Marguerite Avenue, Leominster, MA 01453	1,608		1,398	1,0038
Texas Instruments, Main Street Plant, Attleboro, MA 02703	4,952		4,306	3,0914
Wachusett Regional School Dist., 1401 Main Street, Holden, MA 01520	1,919		1,669	1,1980
West Dudley Paper, RFD 1, Southbridge, MA 01550	2,112		1,837	1,3185
Woonsocket Housing, 66 Morning Heights Blvd., Woonsocket, RI 02895	2,125		1,848	1,3266
Worcester City Hospital, 26 Queen Street, Worcester, MA 01610	2,088		1,816	1,3035
Bates Shoe Park Street, Webster, MA 01570	82		71	0512
Bonte Industries, [address unknown]	204		177	1274
Coz Realty, Providence Road, Rt. 122, Northbridge, MA 01534	103		90	0643
New Bedford Housing, Presidential Heights, New Bedford, MA 02741	138		120	0862
Newport Electric, 45 long Wharf Mall, Newport, RI 02840	259		225	1617
Duralite Company, 120 Main Street, South Grafton MA 01560	103		90	0643
Slater Dye, 727 School Street, Pawtucket, RI 02860	72		63	0449
Braintree Public School, 10 Tremont Street, Braintree, MA 02134	75		65	0468
First Rep. of America, P.O. Box 630, Woonsocket, RI 02895	159		138	0993
Rutland Heights Hospital, Maple Avenue, Rutland, MA 01543	101		88	0631
Trombetta, Inc., P.O. Box 448, Marlboro, MA 01752	100		87	0624
Bristol, Community College, 64 Durfee Street, Fall River, MA 02720	59		51	0368
Rhode Island Cardboard, Pawtucket, RI 02860	28		24	0175
United Realty, 1220 Adams Street, Dorchester, MA 02171	170		148	1061
Vogue Wall Covers, 68 Falulah Street, Fitchburg, MA 01420	94		82	0587
Windle Industries, 65 Canal Street, Milbury, MA 01527	97		84	0606
Worcester County Courthouse, Worcester, MA 01613	90		78	0562
Total	160,185		139,296	100

¹ Amount rounded off to the nearest dollar.

As we stated in the July 16 Decision, the amount by which each customer was allegedly overcharged was determined by subtracting the maximum lawful selling price for the No. 6 residual fuel purchased by the customer from the actual price which Smith charged that customer, and then multiplying that amount by the number of gallons of fuel oil purchased by that customer. See Column I of Table A. The total overcharge allegedly received by Smith was \$160,300. The consent order provides that Smith refund \$139,300. Therefore, the settlement amount is sufficient to permit a payment to each firm of 86.96 percent of the alleged overcharge to that customer. The portion of the \$139,300 fund to which each Smith customer is entitled is set forth in Column II of Table A.

In the July 16 Order we pointed out that the \$139,300 settlement fund was deposited in an interest bearing account pending determination of its proper distribution, and that any interest accrued should also be disbursed to the allegedly overcharged Smith customers. However, we stated that since the amount of interest in the account increases daily, we were unable to establish the precise dollar amount of the interest to which each customer is entitled. We therefore determined that the most equitable system for distributing this additional money was to refund to each customer that percentage of the total interest accumulated which was the same as the percentage of the total alleged overcharges it incurred:

$$\frac{\text{amount by which customer was overcharged}}{\$160,185} \times 100 = \text{percentage of accumulated interest to be distributed to customer}$$

That percentage is set forth in Column III of Table A.

In the July 16 Order we also stated that we were unable to locate an address for Bonte

Industries, a C. K. Smith customer that was allegedly overcharged. We therefore stated that the refund to which Bonte was entitled should be deposited into the United States

Treasury. We further provided that no refund should be effected until 60 days after issuance of the July 16 Order, so that prior to disbursement of the consent order funds any aggrieved party would have an opportunity to request an adjustment in the manner in which refunds are to be apportioned. The July 16 Decision was published in the Federal Register, 47 FR. 32598 (July 28, 1982). In that Federal Register Notice we stated that all requests for adjustment should be received within 30 days of the date of publication of the Notice.

Since issuing the July 16 Order we have learned an address for Bonte Industries. The Bonte refund will be sent to the firm's accountants, Picirelli & Gilstein, of Providence, Rhode Island, as set forth in ordering paragraph (2) below. We also received letters from eight C. K. Smith customers acknowledging receipt of a copy of our July 16 Order. (1) None of those customers requested any adjustment in the refund schedule set forth in that Order. Finally, copies of the July 16 order sent to the following Smith customers set forth in Table B below were returned as undeliverable: (2)

TABLE B

Name and only known address of Smith customer	Share of Principal	Percent-age share of accumulated interest
Colonial Press, One Green Street, Clinton, MA 01510	\$2,979	2.1388
Johnson Bros, East Street, Lexington, MA 02173	2,804	2.0127
Moore Fabrics, 881 Main Street Pawtucket, RI 02860	890	.6386
Synthetic Mattress Corp., 22 Marguerite Avenue, Leominster, MA 01453	1,398	1.0038
Rhode Island Cardboard, Pawtucket, RI 02860	24	.0175
United Realty, 1220 Adams Street, Dorchester, MA 02171	148	.1061
West Dudley Paper, RFD 1, Southbridge, MA 01550	1,837	1.3185
Total	10,080	7.2360

Furthermore, we received no communication from any of the above customers as a result of the publication of our refund plan in the Federal Register. (3) Since we cannot determine the correct addresses for these customers, we are presently unable to disburse refunds to them. We will therefore again publicize our C. K. Smith refund plan in the Federal Register. For an additional 60 day period, commencing with the date of this Order, the refund shares of the seven Smith customers for which we have no current address will be held in the C. K. Smith escrow account. We will accept information regarding the present location of any of those seven customers for a period of 45 days from the date of publication of this Decision and Order in the Federal Register. This 45 day period will provide those seven customers with an adequate opportunity to inform us of their present locations. Sixty days from the date of this Order, we will issue a further Order instructing the Office of the Controller to disburse the appropriate refund shares of the funds remaining in the escrow account to any of the seven customers whose address we have learned. We will also direct that the refund shares of any customers for which we have no current address be immediately deposited into the United States Treasury. (4) *A's Auto Safety Service*, 8 DOE ¶ 83,014 (1981), *Modified, Office of Enforcement*, 8 DOE ¶ 82,594 (1981), *aff'd* 20 FERC ¶ 61,331 (1982).

The DOE's Office of the Controller will therefore be directed to disburse immediately the appropriate refund shares to C. K. Smith customers for which we have a current address. Sixty days from the date of this Order we will issue a further Order providing for the final disbursement of the refund shares of the seven Smith customers for which we presently have no current address.

It Is Therefore Ordered That:

(1) The Director of the Office of Finance and Accounting, Washington Financial Service Division of the DOE's Office of the Controller shall disburse the deposit fund escrow account established at the Department of the Treasury for the C. K. Smith & Company, Inc. consent order funds as described in Paragraphs (2) and (3) below.

(2) Each Smith customer listed in column I below shall immediately receive a refund in the amount indicated for that firm in Column

II below, plus that percentage of the interest accumulated in the Smith escrow account which is specified in Column III below.

Name and address of Smith Customer	Amount of principal to be refunded	Percent-age of accumulated interest to be refunded
(I)	(II)	(III)
Town of Braintree, Electric Light Dept., 44 Allen Street, E. Braintree, MA 02134	\$15,404	11.0585
Cincinnati Milacron, P.O. Box 19321, Worcester, MA 01613	3,245	2.3298
Corazzini Bros. One Blossom Street, Lexington, MA 02173	1,373	.9657
General Foods, Jello Division, Atlantic Gelatin, Hill Street, Woburn, MA 01801	28,455	20.4276
KSP Realty, 43 Broad Street, Hudson, MA 01749	1,393	1.0001
Leslie Realty, 340 Main St., Rm. 366, Worcester, MA 01608	2,553	1.8329
Mass. Correctional Inst., 965 Elm Street, West Concord, MA 01742	2,722	1.9540
Mass. Correctional Inst., Loring Drive, Framingham, MA 01701	2,797	2.0077
Danvers State Hospital, Middleton Colony, Danvers, MA 01923	9,993	7.1742
Framingham State College, 100 State Street, Framingham, MA 01701	6,036	4.3331
University of Massachusetts, Medical School, Worcester, MA 01605	4,066	2.9191
Rutland Heights Hospital, Maple Avenue, Rutland, MA 01543	1,938	1.3915
Massachusetts DPW, Maintenance & Traffic, Wellesley, MA 02155	2,724	1.9559
Worcester State Hospital, 305 Belmont Street, Worcester, MA 01604	7,837	5.6260
Lyman School for Boys, Commonwealth of Mass., Westboro, MA 01581	1,767	1.2685
Salem State College, Commonwealth of Mass., Salem, MA 01970	3,637	2.6107
Middlesex County Hospital, 775 Trapello Road, Waltham, MA 02154	4,195	3.0115
New Bedford Housing, Bay Village, New Bedford, MA 02741	2,511	1.8029
Rand Whitney Corp., A-Grand Street, Worcester, MA 01610	1,733	1.2442
Paul Revere Life Insurance, 18 Chestnut Street, Worcester, MA 01608	1,780	1.2635
Rowland Industries, 300 Canal Street, Lawrence, MA 01890	2,733	1.9621
State Mutual Life, 440 Lincoln Street, Worcester, MA 01605	1,402	1.0063
Steam Associates, Inc., 720 Suffolk Street, Lowell, MA 01854	4,623	3.3187
St. Vincent Hospital, 25 Winthrop Street, Worcester, MA 01604	3,171	2.2761
Texas Instruments, Main Street Plant, Attleboro, MA 02703	4,306	3.0914
Wachusett Regional School Dist., 1401 Main Street, Holden, MA 01520	1,669	1.1980
Woonsocket Housing, 66 Morning Heights Blvd., Woonsocket, RI 02895	1,848	1.3266
Worcester City Hospital, 26 Queen Street, Worcester, MA 01610	1,816	1.3035
Bates Shoe, Park Street, Webster, MA 01570	71	.0512
Coz Realty, Providence Road, Rt. 122, Northbridge, MA 01534	90	.0643
New Bedford Housing, Presidential Heights, New Bedford, MA 01741	120	.0862
Newport Electric, 45 Long Wharf Mall, Newport, RI 02840	225	.1617
Duralite Company, 120 Main Street, South Grafton, MA 01560	90	.0643

Name and address of Smith Customer	Amount of principal to be refunded	Percent-age of accumulated interest to be refunded
(I)	(II)	(III)
Slater Dye, 727 School Street, Pawtucket, RI 02860	63	.0449
Braintree Public School, 10 Tremont Street, Braintree, MA 02134	65	.0468
Bonte Industries c/o Picirelli & Gilestein, 144 Westminster Street, Providence, RI 02903	177	.1274
First Rep. of America, P.O. Box 630, Woonsocket, RI 02895	138	.0993
Rutland Heights Hospital, Maple Avenue, Rutland, MA 01543	88	.0631
Trombetta, Inc., P.O. Box 448, Marlboro, MA 01752	87	.0624
Bristol Community College, 64 Durfee Street, Fall River, MA 02720	51	.0368
Vogue Wall Covers, 68 Falulah Street, Fitchburg, MA 01420	82	.0587
Windle Industries 65 Canal Street, Milbury, MA 01527	84	.0606
Worcester County Courthouse, Worcester, MA 01613	78	.0562
Total	129,216	92.7640

(3) Sixty days from the date of this Decision and Order the Office of Hearings and Appeals will issue a further Order providing for the final disbursement of the amount of \$10,080, plus the interest accumulated in the C. K. Smith escrow account, constituting the share of the alleged overcharges plus interest of the seven firms for which we have no current address. If during the 45 day period following publication of this Order in the Federal Register the Office of Hearings and Appeals learns the address of any of these customers, the Controller will be directed to distribute the appropriate refund to those customers. The Office of Hearings and Appeals will further direct that any funds remaining in the Smith escrow account after all possible distributions to the C. K. Smith customers have been effected be deposited into the United States Treasury, including any amounts of principal and interest which are undistributed due to the rounding off process.

(4) The determinations made in this Decision and Order are based upon the presumed validity of the documentary material submitted. Any of these determinations may be revoked or modified at any time upon a determination that the factual basis underlying such determination is incorrect.

(5) This is a final Order of the Department of Energy.

Dated: October 4, 1982.

George B. Breznay,

Director, Office of Hearing and Appeals.

Footnotes

(1) These customers are: Bristol Community College, Texas Instruments, Inc., New Bedford Housing Authority, Worcester County Court House, Massachusetts Department of Public Works, Steam Associates, Saint Vincent Hospital and Corazzini Bros.

(2) The returned envelopes indicated that several of the firms involved were out of

business. In other cases, the addressee was unknown at the address listed.

(3) We received no communications from any firms or individuals requesting that adjustments be made in the refund plan.

(4) At present, it appears that \$4.00 of the \$139,300 principal will be undistributable due to the rounding off process. It is also likely that a portion of the accrued interest will not be disbursed to C. K. Smith customers because of the rounding off process. In the supplemental order to be issued 60 days from our present order we will direct that any such undistributable funds be deposited in the United States Treasury.

[FR Doc. 82-27859 Filed 10-12-82; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

National Petroleum Council, Coordinating Subcommittee of the Committee on Third World Petroleum Development; Meeting

Notice is hereby given that the Coordinating Subcommittee of the Committee on Third World Petroleum Development will meet in October 1982. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Third World Petroleum Development will investigate the petroleum resource potential of Third World countries and analyze those factors impacting the development of these resources. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its fourth meeting on Friday, October 29, 1982, in the Conference Room of the National Petroleum Council, 1625 K Street, NW., Washington, D.C., starting immediately after the adjournment of the 10 a.m. meeting of the National Petroleum Council Committee on Third World Petroleum Development.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Review and implement the instructions of the Committee on Third World Petroleum Development on the proposed final draft report.
2. Discuss schedule for completion of the study.
3. Discuss any other matters pertinent to the overall assignment from the Committee.

The meeting is open to the public. The Chairman of the Coordinating

Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, Shale and Coal Liquids, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on October 4, 1982.

Donald L. Bauer,

Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 82-28018 Filed 10-12-82; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Subcommittee on Third World Petroleum Development; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Subcommittee on Third World Petroleum Development National Petroleum Council.

Date and Time: Friday, October 29, 1982, 10:00 a.m.

Place: The Madison Hotel, Mount Vernon Room, Fifteenth and M Streets NW, Washington, D.C.

Contact: Gloria Decker, Information Management Systems Branch, U.S. Department of Energy, 1000 Independence Ave. SW, Forrestal Building, Room 4D-024, Washington, DC 20585, Telephone: (202) 252-8990.

Purpose of the Parent Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to the development of alternative fuels.

Tentative Agenda:

- Review draft report on Third World Petroleum Development.
- Discuss schedule for completion of the Committee's assignment.
- Discuss any other matters pertinent to the overall assignment from the Secretary.
- Public comment (10-minute rule).

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda

items should contact Gloria Decker at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW, Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays.

Issued at Washington, DC, on October 6, 1982.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 82-28019 Filed 10-12-82; 8:45 am]

BILLING CODE 6450-01-M

New Production Reactor Concept and Site Selection Advisory Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: New Production Reactor (NPR) Concept and Site Selection Advisory Panel (CSSAP).

Date and Time: Monday, November 1, 1982—9:00 am to 5:00 pm; Tuesday, November 2, 1982—9:00 am to 5:00 pm.

Place: U.S. Department of Energy, Headquarters, Forrestal Building, 1000 Independence Avenue, Room 4A-019, Washington, D.C.

Contact: Gloria Decker, Information Management Systems Branch, U.S. Department of Energy, Forrestal Building—Room 4D-024, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone: (202) 252-8990.

Purpose of the Board: To provide the Department of Energy (DOE) with advice regarding the selection of a reactor concept and site for DOE's proposed NPR.

Tentative Agenda: Briefings and discussion of:

- Review individual inputs
- Prepare draft report
- Panel deliberations

Public Participation: Because the meeting of the NPE-CSSAP will involve the discussion of Restricted Data, as defined in the Atomic Energy Act of 1954, the meeting will be closed in the interest of National security. The deliberations of the NPR-CSSAP are such that no portion of the meeting will be unrelated to Restricted Data.

Transcripts: Will be maintained in Technical Area 35, Building 68, Room 110. They will be classified and thus will not be available to the public.

Issued at Washington, DC, on October 6, 1982.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 82-28021 Filed 10-12-82; 8:45 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), the following meeting notice is provided:

A meeting of the Industry Working Party (IWP) to the International Energy Agency (IEA) will be held on November 3 and 4, 1982, at the headquarters of Ente Nazionale Idrocarburi, Piazza Enrico Mattei 1, Rome, Italy, beginning at 9:30 a.m.

The agenda for the meeting is as follows:

1. Status of Standing Group on the Oil Market (SOM) and IWP activities.
2. Review of IEA/SOM (82)15, "Objectives, Activities and Information Requirements of the SOM."
3. Arrangements for future meetings of the SOM and IWP.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., October 5, 1982.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 82-28022 Filed 10-12-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL 2224-1; OPP-180613]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests in the States listed below. Also listed below are twenty crisis exemptions initiated by certain States.

DATE: See each specific and crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. The following information applies to all contact people: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. /16, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Alabama Department of Agriculture and Industries for the use of anilazine on watercress to control leaf spot, effective from August 9, 1982 to October 31, 1982. (Jim Tompkins)

2. Arizona Commission of Agriculture and Horticulture for the use of vinclozolin on lettuce to control *Sclerotinia*, effective from August 25, 1982 to May 1, 1983. (Libby Welch)

3. Arkansas State Plant Board for the use of triadimefon on grapes to repel birds, effective from August 25, 1982 to September 30, 1982. Arkansas had initiated a crisis exemption for this use. (Jack E. Housenger)

4. California Department of Food and Agriculture for the use of aluminum phosphide on artichokes to control meadow mice, effective from August 25, 1982 to May 21, 1983. California had initiated a crisis exemption for this use. (Jack E. Housenger)

5. California Department of Food and Agriculture for the use of carbaryl on prickly pear cactus to control cochineal scale, effective from September 1, 1982 to August 1, 1983. (Gene Asbury)

6. California Department of Food and Agriculture for the use of oxytetracycline hydrochloride on sweet cherries to control western-x disease, effective from August 11, 1982 to October 1, 1982. California had initiated a crisis exemption for this use. (Jim Tompkins)

7. California Department of Food and Agriculture for the use of permethrin on tomatoes to control pinworms, leafminers, and *Heliothis* spp., effective from August 27, 1982 to July 28, 1983. California had initiated a crisis exemption for this use. (Gene Asbury)

8. California Department of Food and Agriculture for the use of propargite on soybeans to control spider mites, effective from August 19, 1982 to October 1, 1982. (Jim Tompkins)

9. California Department of Food and Agriculture for the use of pronamide on artichokes to control weeds, effective from August 18, 1982 to June 30, 1983. California had initiated a crisis exemption for this use. (Gene Asbury)

10. Florida Department of Agriculture and Consumer Services for the use of permethrin on chickens to control northern fowl mites, effective from August 9, 1982 to July 1, 1983. (Gene Asbury)

11. Idaho Department of Agriculture for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine in layer poultry houses to control flies, effective from August 27, 1982 to October 31, 1982. (Gene Asbury)

12. Idaho Department of Agriculture for the use of tetraethyl pyrophosphate on hops to control Bertha army worms, effective from August 18, 1982 to September 30, 1982. (Gene Asbury)

13. Maine Department of Agriculture, Food and Rural Resources for the use of metalaxyl on potatoes to control late blight, effective from August 13, 1982 to October 15, 1982. Maine had initiated a crisis exemption for this use. (Gene Asbury)

14. Maryland Department of Agriculture for the use of formetanate hydrochloride on strawberries to control two-spotted spider mites, effective from August 27, 1982 to November 30, 1982. (Libby Welch)

15. Minnesota Department of Agriculture for the use of metalaxyl on potatoes to control late light, effective from August 13, 1982 to September 15, 1982. (Gene Asbury)

16. Nebraska Department of Agriculture for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine in layer poultry houses to control flies, effective from August 27, 1982 to February 28, 1983. (Gene Asbury)

17. New Jersey Department of Environmental Protection for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine in layer poultry houses to control flies, effective from August 27, 1982 to April 30, 1983. New Jersey had initiated a crisis exemption for this use. (Gene Asbury)

18. New York Department of Environmental Conservation for the use of metalaxyl on potatoes to control late blight, effective from August 13, 1982 to October 15, 1982. New York had initiated a crisis exemption for this use. (Gene Asbury)

19. North Dakota Department of Agriculture for the use of paraquat on dry edible beans as a desiccant, effective from August 27, 1982 to October 31, 1982. (Jim Tompkins)

20. Ohio Department of Agriculture for the use of *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine in layer poultry houses to control flies, effective from August 27, 1982 to May 1, 1983. (Gene Asbury)

21. Governor of Oklahoma for the use of dicloran on peanuts to control *Sclerotinia* blight, effective from August 11, 1982 to October 31, 1982. (Jack E. Housenger)

22. Oregon Department of Agriculture for the use of methiocarb on grapes to repel birds, effective from August 19, 1982 to November 30, 1982. (Jim Tompkins)

23. South Dakota Department of Agriculture for the use of methiocarb on sunflowers to repel blackbirds, effective

from August 13, 1982 to January 31, 1983. (Libby Welch)

24. Texas Department of Agriculture for the use of disulfoton on beets, Chinese cabbage, collards, dandelions, endive (escarole), kale, kohlrabi, mustard greens, rutabagas, Swiss chard, and turnips to control root aphids, effective from August 27, 1982 to June 30, 1983. (Jack E. Housenger)

25. Washington Department of Agriculture for the use of metalaxyl on broccoli to control downy mildew, effective from August 25, 1982 to October 31, 1982. (Libby Welch)

Crisis exemptions were initiated by the:

1. Alabama Department of Agriculture and Industries on August 19, 1982, for the use of permethrin on soybeans to control soybean loopers. Since it was anticipated that this program would be needed for more than 15 days, Alabama has requested a specific exemption to continue it. The need for this program is expected to last until September 30, 1982. (Libby Welch)

2. California Department of Food and Agriculture on July 19, 1982, for the use of fenvalerate on bell peppers to control the beet army worm. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. The need for this program is expected to last until July 19, 1983. (Jack E. Housenger)

3. California Department of Food and Agriculture on July 22, 1982, for the use of methamidophos on safflower to control the beet army worm, yellow-striped army worm, cabbage looper, and lygus bug. Since it was anticipated that this program would be needed for more than 15 days, California requested a specific exemption to continue it. The need for this program has ended. (Jack E. Housenger)

4. Georgia Department of Agriculture on August 11, 1982, for the use of permethrin on soybeans to control the soybean looper. Since it was anticipated that this program would be needed for more than 15 days, Georgia has requested a specific exemption to continue it. The need for this program is expected to last until October 31, 1982. (Libby Welch)

5. Louisiana Department of Agriculture on August 16, 1982, for the use of permethrin on soybeans to control the soybean looper. Since it was anticipated that this program would be needed for more than 15 days, Louisiana has requested a specific exemption to continue it. The need for this program is

expected to last until October 31, 1982. (Libby Welch)

6. Michigan Department of Agriculture on August 9, 1982, for the use of metalaxyl on potatoes to control late blight. Since it was anticipated that this program would be needed for more than 15 days, Michigan has requested a specific exemption to continue it. The need for this program is expected to last until October 15, 1982. (Libby Welch)

7. Missouri Department of Agriculture on August 25, 1982, for the use of sodium chlorate on southern peas as a desiccant. Since it was anticipated that this program would be needed for more than 15 days, Missouri has requested a specific exemption to continue it. The need for this program is expected to last until December 15, 1982. (Libby Welch)

8. Montana Department of Agriculture on July 30, 1982, for the use of dimethoate on lentile to control aphids. The need for this program ended August 14, 1982. (Jack E. Housenger)

9. Nebraska Department of Agriculture on August 20, 1982, for the use of paraquat on beans (kidney) as a desiccant. Since it was anticipated that this program would be needed for more than 15 days, Nebraska has requested a specific exemption to continue it. The need for this program is expected to last until December 31, 1982. (Libby Welch)

10. New York State Department of Environmental Conservation on July 2, 1982, for the use of metalaxyl on head lettuce to control downy mildew. Since it was anticipated that this program would be needed for more than 15 days, New York has requested a specific exemption to continue it. The need for this program is expected to last until September 30, 1982. (Jack E. Housenger)

11. North Dakota Department of Agriculture on August 12, 1982, for the use of metalaxyl on potatoes to control late blight. Since it was anticipated that this program would be needed for more than 15 days, North Dakota has requested a specific exemption to continue it. The need for this program is expected to last until October 1, 1982. (Libby Welch)

12. North Dakota Department of Agriculture on August 25, 1982, for the use of paraquat on dry beans as a desiccant. Since it was anticipated that this program would be needed for more than 15 days, North Dakota has requested a specific exemption to continue it. The need for this program is expected to last until October 1, 1982. (Libby Welch)

13. Governor of Oklahoma on August 2, 1982, for the use of monocrotophos on field corn to control the Banks grass mite. Since it was anticipated that this

program would be needed for more than 15 days, Oklahoma requested a specific exemption to continue it. The need for this program has ended. (Jack E. Housenger)

14. Oklahoma Department of Agriculture on August 23, 1982, for the use of diethatyl-ethyl on spinach to control weeds. Since it was anticipated that this program would be needed for more than 15 days, Oklahoma is expected to request a specific exemption to continue it. (Libby Welch)

15. Governor of Oklahoma on August 3, 1982, for the use of permethrin on field corn to control the southwestern corn borer. The need for this program has ended. (Jack E. Housenger)

16. Clemson University College of Agricultural Sciences, South Carolina, on August 24, 1982, for the use of permethrin of soybeans to control the soybean looper. Since it was anticipated that this program would be needed for more than 15 days, South Carolina has requested a specific exemption to continue it. The need for this program is expected to last until October 31, 1982. (Libby Welch)

17. South Dakota Department of Agriculture on August 27, 1982, for the use of paraquat on dry beans as a desiccant. The need for this program has ended. (Libby Welch)

18. Tennessee Department of Agriculture on August 17, 1982, for the use of sodium chlorate on peas as a harvest aid. Since it was anticipated that this program would be needed for more than 15 days, Tennessee is expected to request a specific exemption to continue it. (Libby Welch)

19. Texas Department of Agriculture on August 17, 1982, for the use of diazinon tank mixed with malathion on guar to control black thrips. The need for this program has ended. (Libby Welch)

20. Washington Department of Agriculture on August 23, 1982, for the use of metalaxyl on potatoes to control late blight. Since it was anticipated that this program would be needed for more than 15 days, Washington has requested a specific exemption to continue it. The need for this program is expected to last until October 8, 1982. (Libby Welch)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136)). Dated: September 30, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82-27909 Filed 10-12-82; 8:45 am]

BILLING CODE 5560-50-M

(PH-FRL 2226-2; OPP 350005)

Paraquat and Dichlorvos; Completion of Pre-RPAR Review**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has concluded its pre-RPAR review of two chemicals: paraquat and dichlorvos. Available data indicate that these chemicals do not present risks of unreasonable adverse effects to man or the environment. The agency has determined that Rebuttable Presumption Against Registration (RPAR) reviews are not warranted for these chemicals at this time, and has removed them from its list of suspect chemicals. A copy of each decision document, summarizing the agency's reviews of these chemicals and the rationale for the conclusions, is available for public viewing at the address below.

ADDRESS: The decision documents are available for viewing from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, from: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-107, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Homer K. Hall, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Environmental Protection Agency, Room 726, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7440).

SUPPLEMENTARY INFORMATION: Pre-RPAR review is the initial phase of EPA's process to determine whether a chemical poses unreasonable risks to man or the environment. During this phase, the Office of Pesticide Programs (OPP) conducts an intensive review of available information on a pesticide to determine whether such information indicates that a pesticide may pose a risk of unreasonable adverse effects. If the agency concludes that criteria for initiating an RPAR review have been met or exceeded, OPP will commence such a review. The review includes an analysis of the risks posed by the pesticide and balances these risks against the benefits of its use. However, if none of the risk criteria are met, the agency will not initiate the RPAR review.

Based on a review of relevant information regarding potential risks, the agency has concluded that RPAR reviews are not warranted at this time for the following chemicals. Each of the chemicals is currently registered by EPA for use as a pesticide.

1. *Chemical.* Paraquat. Chemical name: 1,1'-dimethyl-4,4'-bipyridinium ion. Products are used as contact herbicides.

a. *Reasons for referral.* The notice published in the *Federal Register* of July 17, 1978 (43 FR 30613) announcing the agency's intent to initiate the scientific review of paraquat cited " * * * teratogenicity, lack of emergency treatment, chronic effects, reproductive effects, oncogenicity (data gap), mutagenicity (data gap) and acute effects" as areas of concern. Although the preceding criteria formed the primary concerns, the agency additionally initiated a review of all available fish and wildlife data, as well as those human health effects data not specifically addressed in the *Federal Register* notice of July 17, 1978 (43 FR 30613).

b. *Reasons for not initiating RPAR review.* The Agency initiated a comprehensive scientific review of all available paraquat health effects and environmental effects data. The vast majority of the approximately 5,000 studies screened by the agency were discarded due to their lack of adequate data for analysis, or that the data available were not germane to the agency's concerns.

In evaluating paraquat's potential for causing chronic health effects, the agency evaluated several long-term feeding, oncogenicity, teratogenicity, reproductive effects and mutagenicity studies. The agency found, with the exception of teratogenicity, that insufficient data were available with which to assess potential health effects. The agency did find that two of the available teratogenicity studies were adequate and made the determination that paraquat does not induce teratogenic effects.

With regard to acute toxicity, the agency's review of the data indicated that while paraquat is acutely toxic by ingestion, inhalation, or dermal exposure, the degree of toxicity did not exceed agency risk criteria specified in 40 CFR 162.11.

The agency, in addressing the absence of an antidote, found that no antidote yet exists. The agency did, however, find that the Cavalli and Fletcher treatment regimen offers improved survivability. An analysis of available case histories conforming, in part, to the treatment regimen has indicated an approximately 80 percent survival rate for ingestion cases treated within 24 hours. Information concerning treatment procedures is available through a 24-hour Chevron Chemical Co. Telephone number printed upon each product label. The agency has additionally noted that

subsequent to the classification of all but one paraquat formulations as restricted use, accidental deaths due to paraquat ingestion have nearly ceased. The agency, therefore, believes that the absence of a specific antidote does not constitute a sufficient ground for the initiation of the RPAR.

The agency, in the course of reviewing the body of paraquat related data, found that there was reason to believe that certain adverse effects to avian and mammalian species might follow paraquat application. Data indicated that egg hatching might be impaired by direct application and that small mammals, particularly rabbits, could suffer toxic effects from the ingestion of treated foliage. Working in cooperation with the Chevron Chemical Co., the agency identified those sites of application which presented the greatest risk of exposure to wildlife. The Chevron Chemical Co., subsequent to negotiations with the agency, has sought voluntary cancellation of those use patterns mutually agreed to present a risk to wildlife. The agency, therefore, does not believe that there now exists sufficient cause to initiate RPAR action based upon any fish and wildlife concern.

2. *Chemical.* Dichlorvos. Chemical name: 2,2 dichlorovinyl dimethyl phosphate. Dichlorvos products are used as organophosphate insecticides.

a. *Reasons for referral.* Dichlorvos was originally referred to the RPAR process, because scientific studies indicated that dichlorvos is mutagenic and may cause cancer, nerve damage and birth defects in laboratory animals.

A scientific investigation into the possible adverse effects of dichlorvos was initiated.

b. *Reasons for not initiating the RPAR review.* The agency has reviewed four studies of the oncogenic potential of dichlorvos. No positive evidence of oncogenicity was identified. The studies were however, all flawed, thus requiring additional information. The National Cancer Institute (NCI) is conducting an evaluation of the oncogenic potential of dichlorvos. No additional data will be required of the registrants until the agency has reviewed the results of the NCI study.

The agency has reviewed the mutagenicity data on dichlorvos. There is extensive evidence that dichlorvos is mutagenic in bacteria in the absence of a mammalian activation system. There is also suggestive evidence that dichlorvos is mutagenic in fungi. However, no mutagenic effects of dichlorvos have been detected in mammalian systems. Additional testing

will be required to confirm the lack of mutagenic effects in mammalian systems.

An evaluation of the available data reveals no definitive evidence or valid tests suggesting that dichlorvos induces teratogenic or fetotoxic effects in the absence of maternal toxicity.

An evaluation of the reproductive effects data reveals no definitive evidence or valid tests suggesting dichlorvos has any adverse effect on fertility or other reproductive parameters.

The available information is sufficient to show that dichlorvos does not produce organophosphate-type delayed neurotoxicity.

Based on the above information, the agency has determined that the existing evidence does not support issuance of the RPAR for dichlorvos.

Dated: September 30, 1982.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

[FR Doc. 82-28088 Filed 10-12-82; 8:45 am]

BILLING CODE 6560-50-M

[TSH-FRL 2225-6; OPTS-140020]

Springborn Laboratories, Inc.; Transfer of Data to Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will transfer information contained in premanufacture notices (PMNs) submitted by manufacturers and importers under section 5 of the Toxic Substances Control Act (TSCA) to its contractor, Springborn Laboratories, Inc. (Springborn). Some of this information may be claimed confidential. Springborn will review, analyze, and report to EPA on PMN data to assist in identifying industry structure, market issues and problems, and possible chemical substitutes.

DATE: The transfer of confidential data submitted to EPA and covered by this notice will occur no sooner than ten (10) working days after publication of this notice in the *Federal Register* and will continue in controlled stages.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M Street, SW., Washington, D.C. 20460. Toll-Free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the U.S.A.: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, manufacturers and importers of chemical substances are

required to submit PMNs for new chemical substances that they intend to manufacture or import and that are not included in EPA's Inventory of Chemical Substances. Information in the PMNs may be designated as confidential by the submitters. To evaluate the information in these PMNs, EPA will require the assistance of outside experts. EPA has selected Springborn Laboratories, Inc. of Enfield, Connecticut to assist in identifying the industry structure, issues and problems within the markets associated with PMNs and possible substitutes for the PMN substance (Contract No. 68-01-6601).

Pursuant to 40 CFR 2.306(j), EPA has determined that it will need to disclose confidential business information to Springborn. Under terms of the contract, EPA may provide Springborn with information submitted in PMNs including chemical identity, product formulation and company identity, as well as other information related to end use and specific PMN properties.

If any PMN information is claimed to be confidential, reports prepared by Springborn dealing with confidential business information will be treated as confidential. After evaluating information in a PMN, Springborn will return the PMN and any reports prepared by Springborn to EPA.

In accordance with the requirements of 40 CFR 2.306(j)(3), EPA is publishing this Notice to inform all submitters of PMNs that Springborn will receive confidential business information from EPA.

Springborn has been authorized under the EPA TSCA Confidential Business Information Security Manual to have access to confidential business information. EPA has approved Springborn's security plan and has conducted the required inspection of the Springborn facilities and found them to be in compliance with the provisions of the Contractor Requirements for the Control and Security of TSCA Confidential Business Information Security Manual.

Springborn personnel will be required to sign a nondisclosure agreement before they are permitted access to such information. Springborn is required to treat all confidential business information in accordance with the requirements of the TSCA Confidential Business Information Security Manual and the Contractor Requirements for the Control and Security of TSCA Confidential Business Information Security Manual.

Dated: September 29, 1982.

Don R. Clay,
Director, Office of Toxic Substances.

[FR Doc. 82-28090 Filed 10-12-82; 8:45 am]

BILLING CODE 6560-50-M

[PH-FRL 2226-8; OPP-00160]

State FIFRA Issues Research and Evaluation Group Working Committees; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a two-day meeting of the Working Committee on Registration and Classification of the State FIFRA Issues and Research and Evaluation Group (SFIREG) and a two-day meeting of the SFIREG Working Committee on Enforcement and Certification to discuss various aspects of pesticides. The meetings will be open to the public.

DATES: The Working Committee on Registration and Classification will meet on Tuesday and Wednesday, October 26 and 27, 1982. The Working Committee on Enforcement and Certification will meet on Thursday and Friday, October 28 and 29, 1982. The meetings of both committees will start at 8:30 a.m. each day.

ADDRESS: Both meetings will be held at: Marc Plaza Hotel, 509 West Wisconsin Ave., Milwaukee, WI, (414-271-7250).

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, Jr., Office of Pesticide Programs (TS-766C), Environmental Protection Agency, Rm. 1115B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7096).

SUPPLEMENTARY INFORMATION: The meeting of the Working Committee on Registration and Classification will be concerned with the following topics:

1. Task assignment reports on action items taken from the July 14-15, 1982, meeting of SFIREG.
2. Labels for supplemental registration.
3. Quarterly update of restricted use pesticide list.
4. Report of September 22, 1982, meeting on pesticide incident monitoring.
5. Status of wood preservatives RPAR.
6. Review of section 5 regulations.
7. Other topics as appropriate.

The meeting of the Working Committee on Enforcement and Certification will be concerned with the following topics:

1. Certification and training funds: Basis for allocation.

2. Transfer of funds from EPA to USDA extension service for applicator training.
3. Protective equipment and clothing requirements when closed systems are used.
4. Status of section 2(ee) policy for nursery and forestry uses.
5. Consideration of establishment of tolerances or allowable residues in industrial, institutional, structural, and health-related pest control sites.
6. EPA enforcement policy and action regarding misbranded ultrasonic devices.
7. EPA Inspector Manual for pesticide inspectors.
8. Child-resistant packaging enforcement policy.
9. APHIS plan for applicator certification.
10. Farm worker exposure.
11. Review of PTSED document "Pilot Program Guidance for Selection of Major Pesticide Spray Program for Cooperative Compliance Monitoring."
12. Determination of environmental results measurements.
13. Status of FIFRA compliance program policy no. 12.2 "Closed Application Systems."
14. Marketplace surveillance in State priority setting models.
15. Use of vegetable oils as diluents for pesticides.

Dated: October 1, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82-26100 Filed 10-12-82; 8:45 am]

BILLING CODE 5560-50-M

[WH-FRL 228-5]

National Drinking Water Advisory Council; Open Meeting

Under Section 10(a)(2) of Pub. L. 92423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. §300f *et seq.*), will be held as follows: On October 26, 1982 in Room 3906, EPA Headquarters, Mall Area, 401 M Street, S.W., Washington, D.C. 20460, the Council's Regulations Subcommittee will meet between 9:00 a.m. and 12:00 Noon, followed by a Conference Call of the full Council between 2:00 p.m. and 4:00 p.m.

The purpose of the emergency meeting is to prepare recommendations to the Administrator of EPA in order to complete the Agency's response to a petition from the State of South Carolina

for review of the current fluoride standard.

This meeting will be open to the public. The Council encourages the hearing of outside statements and will allocate a portion of the Subcommittee meeting time for public participation. Oral statements will be limited to 10 minutes. It is preferred that there be one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone at (202) 382-5533. The petition should include the topic of the proposed statement, the petitioner's telephone number and should be received by the Council before October 20, 1982.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at the Council meeting and will be part of the permanent meeting record.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement, should contact Ms. Charlene Shaw, Executive Assistant, National Drinking Water Advisory Council, Office of Drinking Water (WH-550), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The telephone number is: Area Code 202/382-5533.

Dated: October 8, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 82-28241 Filed 10-12-82; 8:45 am]

BILLING CODE 5560-26-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

TITLE OF INFORMATION COLLECTION:

Reports on Indebtedness of Executive Officers and Principal shareholders to Correspondent Banks and to Own Bank.

BACKGROUND: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF-83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to Mr. Hoyle L. Robinson, Executive

Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503. Comments should be received within 60 days following publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

For a complete copy of the "Request for OMB Review" or related information, contact Dr. Panos Konstas, Information Clearance Officer, FDIC, telephone (202) 389-4351.

SUMMARY: Federal law (12 U.S.C. 1972(2)) requires that certain bank insiders (executive officers, principal shareholders and their interests) report to their banks a list of loans to them or their interests by their bank's correspondent banks (FFIEC 004—Report on Indebtedness of Executive Officers and Principal Shareholders and Their Related Interests to Correspondent Banks). Federal law (12 U.S.C. 1817(k)) also requires each bank to then submit to the FDIC by March 31 of each year an annual report (FFIEC 003—Report on Ownership of the Reporting Bank and on Indebtedness of its Executive Officers and Principal Shareholders to the Reporting Bank and to its Correspondent Banks) of aggregate loans outstanding to the bank and its correspondent banks by its insiders.

The data compiled is used by the regulatory agencies to determine the extent of loans to bank insiders. The information collected on FFIEC 004 is retained by the bank and is reviewed by bank examiners during the regular examination process.

It is estimated that approximately 37,392 people are affected by the FFIEC 004 form. That is based on an estimated average of three executive officers and one principal shareholder per bank submitting reports to 9,348 insured state non-member banks. From a limited survey and previous experience it is estimated that 4 hours are required to complete the FFIEC 004 and an additional 8 hours are required for the banks to complete the FFIEC 003.

Dated: October 7, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82-28089 Filed 10-12-82; 8:45 am]

BILLING CODE 6714-01-M

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****[FEMA-669-DR]****California; Major-Disaster and Related
Determinations****AGENCY:** Federal Emergency
Management Agency.**ACTION:** Notice.**SUMMARY:** This is a notice of the
Presidential declaration of a major-
disaster for the State of California
(FEMA-669-DR), dated September 24,
1982, and related determinations.**DATE:** September 24, 1982.**FOR FURTHER INFORMATION CONTACT:**Sewall H. E. Johnson, Disaster
Assistance Programs, Federal
Emergency Management Agency,
Washington, D.C. 20472 (202) 287-0501.**SUPPLEMENTARY INFORMATION:** Pursuant
to the authority vested in the Director of
the Federal Emergency Management
Agency by the President under
Executive Order 12148, effective July 15,
1979, and delegated to me by the
Director under Federal Emergency
Management Agency Delegation of
Authority, and by virtue of the Act of
May 22, 1974, entitled "Disaster Relief
Act of 1974" (88 Stat. 143); notice is
hereby given that, in a letter of
September 24, 1982, the President
declared a major-disaster as follows:

I have determined that the damage in
certain areas of the State of California
resulting from levee breaks, high winds, and
flooding beginning on August 23, 1982, is of
sufficient severity and magnitude to warrant
a major-disaster declaration under Public
Law 93-288. I therefore declare that such a
major-disaster exists in the State of
California.

Flooding in the San Joaquin Delta area has
been a chronic problem with the most recent
declaration prior to this action in 1980. The
delta area contains many essential
transmission routes for water, electricity, and
recreational areas. These vital and fragile
systems are dependent upon earthen levees
for protection. The vulnerability of these
important resources requires that these
levees be updated without delay to conform
to applicable State standards for heights and
cross section. Adequate programs for
maintenance and periodic inspection of these
levees are necessary to reduce risks of
failures which, under present conditions in
some areas, may occur at any time.

The FEMA Regional Director and the
Federal Coordinating Officer shall cooperate
in a joint approach by Federal, State, local
and private agencies to accomplish hazard
mitigation activities in the delta. I have asked
the governor to provide State leadership and
other resources needed to promote these
efforts. I expect reports from you of any
important progress made toward reducing the

requirements for future declarations of this
nature due to delta flooding.

In order to provide Federal assistance, you
are hereby authorized to allocate, from funds
available for these purposes, such amounts
as you find necessary for Federal disaster
assistance and administrative expenses.
Consistent with the requirement that Federal
assistance be supplemental, the Federal
funds provided under PL 93-288 for public
assistance will be limited to 75 percent of
total eligible costs in the designated area
except for technical assistance which will be
funded at 100 percent.

The time period prescribed for the
implementation of Section 313(a),
priority to certain applications for public
facility and public housing assistance,
shall be for a period not to exceed six
months after the date of this declaration.

Notice is hereby given that pursuant
to the authority vested in the Director of
Federal Emergency Management
Agency under Executive Order 12148,
and delegated to me by the Director
under the Federal Emergency
Management Agency Delegation of
Authority, I hereby appoint Mr. Tommie
C. Hamner of the Federal Emergency
Management Agency to act as the
Federal Coordinating Officer for this
declared major-disaster.

I do hereby determine the following
areas of the State of California to have
been affected adversely by this declared
major-disaster:

McDonald Island in the San Joaquin
Delta for Public Assistance.

(Catalog of Federal Domestic Assistance No.
83-300, Disaster Assistance. Billing Code
6718-02)

Lee M. Thomas,*Associate Director, State and Local Programs
and Support, Federal Emergency
Management Agency.*[FR Doc. 82-28048 Filed 10-12-82; 8:45 am]**BILLING CODE 6718-02-M****[FEMA-670-DR]****Kentucky; Major Disaster and Related
Determinations****AGENCY:** Federal Emergency
Management Agency.**ACTION:** Notice.**SUMMARY:** This is a notice of the
Presidential declaration of a major
disaster for the Commonwealth of
Kentucky (FEMA-670-DR), dated
September 29, 1982, and related
determinations.**DATED:** September 29, 1982.**FOR FURTHER INFORMATION CONTACT:**Sewall H. E. Johnson, Disaster
Assistance Programs, Federal
Emergency Management Agency,
Washington, D.C. 20472, (202) 287-0501.**SUPPLEMENTARY INFORMATION:** Pursuant
to the authority vested in the Director of
the Federal Emergency Management
Agency by the President under
Executive Order 12148, effective July 15,
1979, and delegated to me by the
Director under Federal Emergency
Management Agency Delegation of
Authority, and by virtue of the Act of
May 22, 1974, entitled "Disaster Relief
Act of 1974" (88 Stat. 143); notice is
hereby given that, in a letter of
September 29, 1982, the President
declared a major disaster as follows:

I have determined that the damage in
certain areas of the Commonwealth of
Kentucky resulting from severe storms and
flooding beginning on September 14, 1982, is
of sufficient severity and magnitude to
warrant a major disaster declaration under
Public Law 93-288. I therefore declare that
such a major-disaster exists in the
Commonwealth of Kentucky.

In order to provide Federal assistance, you
are hereby authorized to allocate, from funds
available for these purposes, such amounts
as you find necessary for Federal disaster
assistance and administrative expenses.
Consistent with the requirement that Federal
assistance be supplemental, any Federal
funds provided under Public Law 93-288 for
public assistance will be limited to 75 percent
of total eligible costs in the designated area
except for technical assistance which will be
funded at 100 percent.

Pursuant to Section 408(b) of Pub. L. 93-288,
you are authorized to advance to the
Commonwealth its 25 percent share of the
Individual and Family Grant program to be
repaid to the United States by the
Commonwealth when it is able to do so.

The time period prescribed for the
implementation of Section 313(a),
priority to certain applications for public
facility and public housing assistance,
shall be for a period not to exceed six
months after the date of this declaration.

Notice is hereby given that pursuant
to the authority vested in the Director of
Federal Emergency Management
Agency under Executive Order 12148,
and delegated to me by the Director
under the Federal Emergency
Management Agency Delegation of
Authority, I hereby appoint Mr. R.
Jackson Ingram of the Federal
Emergency Management Agency to act
as the Federal Coordinating Officer for
this declared major disaster.

I do hereby determine the following
area of the Commonwealth of Kentucky
to have been affected adversely by this
declared major disaster:

Letcher County for Individual
Assistance only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance. Billing Code 6718-02)

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82-28049 Filed 10-12-82; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-668-DR]

Tennessee; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Tennessee (FEMA-668-DR), dated September 22, 1982, and related determinations.

DATED: SEPTEMBER 27, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

SUPPLEMENTARY INFORMATION: The Notice of a major disaster for the State of Tennessee dated September 22, 1982, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 22, 1982:

In addition to Individual Assistance, Gibson County is designated eligible for Federal assistance to disaster-damaged public schools under Pub. L. 81-815 and Pub. L. 81-874, as appropriate.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718-02)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82-28047 Filed 10-12-82; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at

the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the Federal Register in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-4071.

Filing Party: B. G. Masters, Deputy Port Director, Port of Beaumont, P.O. Drawer 2297, Beaumont, Texas 77704.

Summary: Agreement No. T-4071, between the Port of Beaumont (Port) and Home Transportation Company, Inc. (Home) provides for the lease to Home of approximately 6 acres of land for use in a trucking operation, the main purpose of which is to generate and facilitate the importation and exportation of cargo through Port's wharves. Home will pay Port a monthly rental of \$150 per acre of lease land. The term of the agreement is 5 years with renewal provisions.

Agreement No. T-4072.

Filing Party: H. H. Wittren, Associate Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-4072, between the Port of Seattle (Port) and Crowley Environmental Services Corporation (Crowley), provides for the five-year lease by Port to Crowley of certain premises at Terminal 106-3 to be used for general offices, storage and equipment repairs.

Agreement No. T-4073.

Filing Party: James D. Pugh, CM, Deputy Port Director, Indiana Port Commission, P.O. Box 189, Portage, Indiana 46368.

Summary: Agreement No. T-4073, between the Indiana Port Commission

(Port) and Frick Services, Inc. (Frick) provides for the lease by Port to Frick of certain premises to be used for the installation and operation of a storage, processing and distribution facility for dry bulk fertilizer and other non-hazardous dry bulk commodities. As compensation, Frick will pay Port and annual ground rental of \$32,732. The term of the agreement is five years, with three five-year renewal options.

By Order of the Federal Maritime Commission.

Dated: October 7, 1982

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 82-28096 Filed 10-12-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1085-R]

Florida Consolidated Forwarders, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Florida Consolidated Forwarders, Inc., P.O. Box 2966 A.M.F., Miami, FL 33159 was cancelled effective September 26, 1982.

By letter dated September 9, 1982, Florida Consolidated Forwarders, Inc., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1085-R would be automatically revoked unless a valid surety bond was filed with the Commission.

Florida Consolidated Forwarders, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1085-R be and is hereby revoked effective September 26, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1085-R issued to Florida Consolidated Forwarders, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal

Register and served upon Florida Consolidated Forwarders, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 82-28094 Filed 10-12-82; 8:45 am]

BILLING CODE 6730-01-M

Hellenic Lines Limited and Compagnie Malgache de Navigation; Notice of Cancellation

Filing Party: C. N. Velokas, Traffic Manager, Hellenic Lines Limited, 39 Broadway, New York, N.Y. 10006.

Summary: On October 4, 1982, the Commission received notice to cancel Agreement No. 9792 between Hellenic Lines Limited, and Compagnie Malgache De Navigation. Therefore, the agreement has been terminated effective October 4, 1982, the date the notice was received by the Commission.

Greek Line Section 15 Agreement

Notice of Cancellation

Agreement No. 8277, approved April 17, 1958 covers a joint service agreement comprised of Transatlantic Shipping Corp., Transoceanic Navigation Corp. and Arcadia Steamship Corp. operating under the trade name of Greek Line. The agreement membership is authorized to serve the trade between U.S. Atlantic Ports and ports in Europe, the Mediterranean, the Caribbean and Bermuda. None of the parties to the agreement currently maintain tariffs in the agreement trades or membership in conferences serving the trades either independently or collectively and, therefore, apparently are no longer operating as ocean common carriers in the foreign commerce of the United States.

In an effort to determine the status of Agreement No. 8277, the Commission, by letters dated July 20, 1982 and August 23, 1982, inquired of the last known representative of Greek Line whether the agreement was inactive and could be cancelled. To date no response to these letters has been received. Therefore, it appears that the agreement is no longer active and should be cancelled. Accordingly, notice is hereby given that Agreement No. 8277 will be terminated effective 15 days following the date of this notice in the Federal Register.

Wilhelmsens Dampskibsselskab, Leitch Transport Ltd. and Open Bulk Carriers Limited

Notice Notice of Cancellation of Agreement No. 9934

Agreement No. 9934, approved April 15, 1971, authorizes Wilhelmsens

Dampskibsselskab (Wilhelmsens) and Leitch Transport Ltd. (Leitch) to perform various agency services specified in the agreement, for Open Bulk Carriers Limited (Open Bulk). Wilhelmsens is a Norwegian corporation, Leitch is a Canadian corporation and Open Bulk is incorporated under the laws of Bermuda.

By letter dated August 6, 1982, counsel representing the agreement parties in 1971 was notified of the Commission's concern that Agreement No. 9934 appeared to be inactive and that the Commission proposed to terminate the agreement unless counsel notified the Commission that the agreement was still active. To date, no response has been received to the Commission's letter of August 6, 1982. Therefore, it appears that Agreement No. 9934 is no longer active and that the agreement should be terminated. Accordingly, notice is hereby given that Agreement No. 9934 will be terminated effective 15 days following publication of this notice in the Federal Register.

Pakistan Line Joint Cargo Service

Notice of Cancellation of Agreement No. 10172

Agreement No. 10172, approved April 27, 1976, authorizes Pan Islamic Steamship Co. Ltd., Trans Oceanic Steamship Co. Ltd., Chittagong Steamship Corp., Ltd., Pakistan Shipping Line Limited, Crescent Shipping Lines Limited, Gulf Shipping Corporation Limited, United Oriental Steamship Co., East & West Steamship Co., and Muhammadi Steamship Co., Ltd., to establish a joint cargo service known as "Pakistan Line" to operate in the trades from U.S. Atlantic and Gulf ports to ports in Turkey, the Persian Gulf, Red Sea and Pakistan.

By letter dated August 6, 1982, counsel representing the agreement parties in 1976 was notified of the Commission's concern that Agreement No. 10172 appeared inactive and that the Commission proposed to terminate the agreement unless counsel notified the Commission that the agreement was still active. To date, no response has been received to the Commission's letter of August 6, 1982. Pakistan Line is not a member of any conference operating in the agreement trade and it does not maintain a tariff covering the agreement trade. Therefore, it appears that the agreement is no longer active and should be cancelled. Accordingly, notice is hereby given that Agreement No. 10172 will be terminated effective 15 days following the date of this notice in the Federal Register.

Maritima y Transportes Honduras, S., de R.L. (Honduran Line) and Seatrain International, S.A. Container Interchange Agreement

Notice of Cancellation of Agreement No. 10275

Agreement No. 10275, approved on April 8, 1977, authorizes the interchange of cargo containers and related equipment and applies to Seatrain's services between the United States and ports in Europe and the Far East, and Honduran Line's services between the United States and ports in Central and South America and the Caribbean.

By letter dated July 12, 1982, an attempt was made to notify Honduran Line at its last known address in Tegucigalpa, Honduras, of the Commission's concern that Agreement No. 10275 appears to be inactive and that the Commission proposed to terminate the agreement unless Honduran Lines notified the Commission that the agreement was still active. No response was received within the 60 days notice period specified. Therefore, it appears that Agreement No. 10275 is no longer active and should be terminated. Accordingly, notice is hereby given that Agreement No. 10275 will be terminated effective 15 days following publication of this notice in the Federal Register.

By Order of the Federal Maritime Commission.

Dated: October 7, 1982.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 82-28097 Filed 10-12-82; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Western Division Universal Transport Corporation d.b.a. Universal Transport Corporation, 233 Sansome Street, San Francisco, CA 94014, Officers: Mary G. Serrano, President/Director, Bert Wagenberg, Secretary/Director, John Nadasi, Director

Tierra Mar Aire Packing & Shipping Inc.
or TMA Packing & Shipping Inc., 59-46
54th Street, Maspeth, NY 11378.
Officer: Alfonso Quijano, President/
Sole Stockholder

Total Transportation Corporation d.b.a.
TTC, 429 Moon & Clinton Road,
Corapolis, PA 15108, Officers: George
C. Shearer, President, Daniel E. Rihn,
Executive Vice President, D. Timothy
Gruelle, Secretary/Treasurer, Elmer S.
Beatty, Jr., Vice President

Harriet A. Dietrick d.b.a. Red Beaver
Box Co., 2618 So. I-35, Oklahoma City,
OK 73143

Korea Express USA Inc., 901 Castle
Road, Secaucus, NJ 07094, Officers:
Won Suk Chol, Chairman/
Stockholder, Jun Mun Chol, Director/
Stockholder, Sang Kyu Kim, President,
Youn Geun Park, Director/Vice
President

Chris D. Lee, 22132 Halldale Avenue,
Torrance, CA 90501

Yamato Transport U.S.A. Inc., 1211
Avenue of the Americas, New York,
NY 10036, Officers: Masao Ogura,
Chairman/Director, Akio Honma,
President/Director, Zulzio Ishiwada,
Vice President/Director, Yoshinori
Yanagisawa, Vice President/Director,
Kisaburo Ando, Vice President,
Susumo Yokoyama, Vice President/
Director, Masanori, Minami, Vice
President/Secretary Treasurer/
Director, Mikio Sato, Vice President/
Director

By the Federal Maritime Commission.

Dated: October 6, 1982.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 82-28093 Filed 10-12-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder
License No. 1997]

Lee's International (Karl Heinz Schneider, d.b.a.); Order of Revocation

Section 44(c), Shipping Act, 1916,
provides that no independent ocean
freight forwarder license shall remain in
force unless a valid bond is in effect and
on file with the Commission. Rule
510.15(d) of Federal Maritime
Commission General Order 4 further
provides that a license shall be
automatically revoked for failure of a
licensee to maintain a valid bond on file.

The bond issued in favor of Lee's
International (Karl Heinz Schneider,
dba), 16100 SW. 88 Avenue Road,
Miami, FL 22157, was cancelled effective
September 26, 1982.

By letter dated September 9, 1982,
Lee's International (Karl Heinz
Schneider, dba) was advised by the

Federal Maritime Commission that
Independent Ocean Freight Forwarder
License No. 1997 would be automatically
revoked unless a valid surety bond was
filed with the Commission.

Lee's International (Karl Heinz
Schneider, dba) has failed to furnish a
valid bond.

By virtue of authority vested in me by
the Federal Maritime Commission as set
forth in Manual of Orders, Commission
Order No. 1 (Revised), section 10.0(f)
dated November 12, 1981:

Notice is hereby given, that
Independent Ocean Freight Forwarder
License No. 1997 be and is hereby
revoked effective September 26, 1982.

It is ordered, that Independent Ocean
Freight Forwarder License No. 1997
issued to Lee's International (Karl Heinz
Schneider, dba) be returned to the
Commission for cancellation.

It is further ordered, that a copy of
this Order be published in the *Federal
Register* and served upon Lee's
International (Karl Heinz Schneider,
dba).

Albert J. Klingel, Jr.,
Director, Bureau of Certification & Licensing.

[FR Doc. 82-28095 Filed 10-12-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice
have applied for the Board's approval
under section 3(a)(3) of the Bank
Holding Company Act (12 U.S.C.
1842(a)(3)) to acquire voting shares or
assets of a bank. The factors that are
considered in acting on the applications
are set forth in section 3(c) of the Act (12
U.S.C. 1842(c)).

Each application may be inspected at
the offices of the Board of Governors, or
at the Federal Reserve Bank indicated
for that application. With respect to
each application, interested persons
may express their views in writing to the
address indicated for that application.
Any comment on an application that
requests a hearing must include a
statement of why a written presentation
would not suffice in lieu of a hearing,
identifying specifically any questions of
fact that are in dispute and summarizing
the evidence that would be presented at
a hearing.

A. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104
Marietta Street, N.W., Atlanta, Georgia
30303:

1. C.S.B. Corporation, Marianna,
Florida; to acquire 80 percent of the
voting shares or assets of Gadsden State

Bank, Chattahoochee, Florida.
Comments on this application must be
received not later than November 4,
1982.

2. Flagship Banks, Inc., Miami,
Florida; to acquire 100 percent of the
voting shares of Flagship National Bank
of Citrus County, Crystal River, Florida.
Comments on this application must be
received not later than November 4,
1982.

Board of Governors of the Federal Reserve
System, October 5, 1982.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 82-28032 Filed 10-12-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in
this notice have applied, pursuant to
section 4(c)(8) of the Bank Holding
Company Act (12 U.S.C. 1843(c)(8)) and
§ 225.4(b)(1) of the Board's Regulation Y
(12 CFR 225.4(b)(1)), for permission to
engage *de novo* (or continue to engage in
an activity earlier commenced *de novo*),
directly or indirectly, solely in the
activities indicated, which have been
determined by the Board of Governors
to be closely related to banking.

With respect to each application,
interested persons may express their
views on the question whether
consummation of the proposal can
"reasonably be expected to produce
benefits to the public, such as greater
convenience, increased competition, or
gains in efficiency, that outweigh
possible adverse effects, such as undue
concentration of resources, decreased or
unfair competition, conflicts of interest,
or unsound banking practices." Any
comment on an application that requests
a hearing must include a statement of
the reasons a written presentation
would not suffice in lieu of a hearing,
identifying specifically any questions of
fact that are in dispute, summarizing the
evidence that would be presented at a
hearing, and indicating how the party
commenting would be aggrieved by
approval of that proposal.

Each application may be inspected at
the offices of the Board of Governors or
at the Federal Reserve Bank indicated
for that application. Comments and
requests for hearings should identify
clearly the specific application to which
they relate, and should be submitted in
writing and received by the appropriate
Federal Reserve Bank not later than the
date indicated for each application.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York:

1. *Citicorp*, New York, New York (credit related property and casualty insurance activities; California, Nevada, and Arizona): To expand the activities of an existing office of its subsidiary, Citicorp Homeowners, Inc., located in Orange, California. The new activity in which the office proposes to engage *de novo* is the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Homeowners, Inc. to the extent permissible under applicable state insurance laws and regulations. The proposed service area for this activity is the States of California, Nevada, and Arizona. Comments on this application must be received not later than November 4, 1982.

2. *Citicorp*, New York, New York (credit related property and casualty insurance activities; California): To expand the activities of six existing offices of its subsidiary, Citicorp Homeowners, Inc., located in California. The new activity in which these offices propose to engage *de novo* is the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Homeowners, Inc. to the extent permissible under applicable state insurance laws and regulations. The aforementioned activity would be conducted from offices located in Torrance, Orange, Glendale, Sherman Oaks, City of Industry, and San Bernardino, California. Comments on this application must be received not later than November 4, 1982.

3. *Citicorp*, New York, New York (credit related property and casualty insurance activities; Arizona, Nevada, and New Mexico): To expand the activities of eight existing offices of its subsidiary, Citicorp Homeowners, Inc., located in Arizona. The new activity in which these offices propose to engage *de novo* is the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Homeowners, Inc. to the extent permissible under applicable state insurance laws and regulations. The aforementioned activity would be conducted from five offices in Phoenix, Arizona, and one office each located in Scottsdale, Mesa, and Glendale, Arizona, serving the States of Arizona, Nevada, and New Mexico. Comments on this application must be received not later than November 4, 1982.

4. *Citicorp*, New York, New York (credit related property and casualty

insurance activities; Florida): To expand the activities of eight existing offices of its subsidiary, Citicorp Homeowners, Inc., located in Florida. The new activity in which these offices propose to engage *de novo* is the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Homeowners, Inc. to the extent permissible under applicable state insurance laws and regulations. The aforementioned activity will be conducted from offices located in Pensacola, Pinellas Park, Miami Lakes, Tampa, Fort Lauderdale, West Palm Beach, Tallahassee, and Orlando, all cities in Florida. The proposed service area for the new activity is the State of Florida. Comments on this application must be received not later than November 4, 1982.

5. *Citicorp*, New York, New York (credit related property and casualty insurance activities; Florida): To expand the activities of eight existing offices of its subsidiary, Citicorp Homeowners, Inc., located in Jacksonville, Florida. The new activity in which the office proposes to engage *de novo* is the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Homeowners, Inc. to the extent permissible under applicable state insurance laws and regulations. The proposed service area for this activity is the States of Florida and Georgia. Comments on this application must be received not later than November 4, 1982.

6. *Citicorp*, New York, New York (credit related property and casualty insurance activities; Texas): To expand the activities of four existing offices of its subsidiary, Citicorp Homeowners, Inc., located in Texas. The new activity in which these offices propose to engage *de novo* is the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Homeowners, Inc., to the extent permissible under applicable state insurance laws and regulations. The aforementioned activity will be conducted from two offices located in Houston, Texas, and from one office each located in San Antonio and Dallas, Texas, serving the entire State of Texas. Comments on this application must be received not later than November 4, 1982.

7. *Citicorp*, New York, New York (credit related property and casualty insurance activities; California): To expand the activities of six existing offices of its subsidiary, Citicorp Person-to-Person Thrift, Inc., located in

California. The new activity in which these offices propose to engage *de novo* is the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Thrift, Inc. to the extent permissible under applicable state insurance laws and regulations. The aforementioned activity will be conducted from two offices located in San Diego, California, and one office each located in Chula Vista, Escondido, El Cajon, and Glendale, California, serving the State of California. Comments on this application must be received not later than November 4, 1982.

8. *The Bank of New York Company, Inc.*, New York, New York (trust activities; Florida): To engage, through a wholly-owned subsidiary, The Bank of New York Trust Company of Florida, National Association, in performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company, including activities of a fiduciary, investment advisory, agency or custodian nature, in the manner authorized by federal law. These activities will be conducted from offices in Miami, Florida, serving Dade County and Broward County, Florida. Comments on this application must be received not later than November 4, 1982.

Board of Governors of the Federal Reserve System, October 5, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-28030 Filed 10-12-82; 8:45 am]

BILLING CODE 6210-10-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh

possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (consumer finance and credit-related insurance activities; Missouri and Kansas): To relocate an existing office of Citicorp Person-to-Person Financial Center, Inc., and an existing office of Citicorp Homeowners, Inc. from Kansas City, Missouri to Raytown, Missouri. The previously approved activities in which the office of Citicorp Person-to-Person Financial Center, Inc. proposes to engage in the new location are as follows: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The previously approved activities in which the office of Citicorp Homeowners, Inc. proposes to engage in the new location are as

follows: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The service area for the office of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. in the new location will be comprised of the entire States of Missouri and Kansas for all of the aforementioned activities. Credit related life, accident and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. Comments on this application must be received not later than November 5, 1982.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Valley Falls Insurance, Inc.*, Valley Falls, Kansas (consumer finance activities; Kansas): To engage in consumer finance activities, including the extension of direct loans to consumers in accordance with the Board's Regulation Y. These activities will be conducted from an office in Valley Falls, Kansas, serving the community of Valley Falls, Kansas. Comments on this application must be received not later than November 5, 1982.

Board of Governors of the Federal Reserve System, October 6, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-28082 Filed 10-12-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the

applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Mariette Street, NW., Atlanta, Georgia 30303:

1. *BOC Bancorp, Inc.*, Woodbury, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Commerce, Woodbury, Tennessee. Comments on this application must be received not later than November 3, 1982.

2. *United Bancshares, Inc.*, Lake Charles, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of American Bank of Commerce, Lake Charles, Louisiana. Comments on this application must be received not later than November 4, 1982.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Dawson Springs Bancorp, Inc.*, Dawson Springs, Kentucky; to become a bank holding company by acquiring at least 80 percent of the voting shares of Commercial Bank of Dawson, Dawson Springs, Kentucky. Comments on this application must be received not later than November 4, 1982.

2. *Old National Bancorp*, Evansville, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Old National Bank of Evansville, Evansville, Indiana. Comments on this application must be received not later than November 4, 1982.

C. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Carver County Bancshares, Inc.*, Chaska, Minnesota; to become a bank holding company by acquiring 95 percent of the voting shares of Carver County State Bank, Chaska, Minnesota. Comments on this application must be received not later than November 4, 1982.

D. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Crown Bancorp.*, Coronado, California; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Coronado, Coronado, California. Comments on this application must be received not later than November 3, 1982.

2. *Kings River Bancorp.*, Reedley, California; to become a bank holding company by acquiring 100 percent of the voting shares of Kings River State Bank, Reedley, California. Comments on this application must be received not later than November 4, 1982.

Board of Governors of the Federal Reserve System, October 5, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-28031 Filed 10-12-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Republic Bancshares, Inc.*, Winchester, Tennessee; to become a bank holding company by acquiring 80 percent of the voting shares of Franklin County Bank, Winchester, Tennessee. Comments on this application must be received not later than November 5, 1982.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Piggott Bankstock, Inc.*, Piggott, Arkansas; to become a bank holding company by acquiring 80 percent of the voting shares of Piggott State Bank, Piggott, Arkansas. Comments on this application must be received not later than November 5, 1982.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First New Mexico Financial Corporation*, Deming, New Mexico; to become a bank holding company by acquiring 80 percent or more of the voting shares of Deming National Bank, Deming, New Mexico. Comments on this application must be received not later than November 5, 1982.

Board of Governors of the Federal Reserve System, October 6, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-28027 Filed 10-12-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Boise District Office; Grazing Advisory Board Meeting

ACTION: Boise District, Idaho, Grazing Advisory Board Meeting.

SUMMARY: In accordance with Pub. L. 92-463, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, notice is hereby given that the Boise District Grazing Advisory Board will meet on November 9 and 10, 1982, from 9:00 a.m. to 4:00 p.m.

SUPPLEMENTARY INFORMATION: The meeting will begin at 9:00 a.m. each day in the lower conference room at the Bureau of Land Management, Boise District Office, at 3948 Development Avenue in Boise, Idaho. The agenda includes a report of 8100 fund expenditures for fiscal year 1982 and a discussion of 8100 fund project proposals for fiscal year 1984, operational procedures under 8100 funds, and criteria for MIC Categories. A public comment period is scheduled for 1:00 p.m. to 2:00 p.m. each day.

FOR FURTHER INFORMATION CONTACT: Further information is available from the Boise District, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705, phone (208) 334-1582. Minutes of the meeting will be

available for public inspection at the District Office.

J. David Brunner,

Associate District Manager.

October 5, 1982.

[FR Doc. 82-28054 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-84-M

[CA-8328]

California; Termination of Proposed Withdrawal and Reservation of Land

September 30, 1982.

Notice of Bureau of Reclamation, U.S. Department of the Interior, application CA-8328 for withdrawal and reservation of the following described national forest land from the mining laws (30 U.S.C. Ch 2), for construction of the Union Hill Reservoir and related facilities was published as FR Doc. 80-20791 on page 46914 of the issue of July 11, 1980. The applicant has withdrawn its application in its entirety.

Mount Diablo Meridian

T. 11 N., R. 13 E.,

A tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, more particularly described as follows: Beginning at a point in the North-South midsection line of said Section 32 that bears North 00°08'59" West 2388.99 feet from a found capped iron pipe marking the South quarter corner of said Section 32; thence leaving said midsection line South 90°00'00" West 752.46 feet; thence North 00°00'00" East 166.71 feet to a point in the East-West midsection line of said Section 32; last said point bears North 87°56'39" East 1861.89 feet from a found capped iron pipe marking the west quarter corner of said Section 32; thence along said East-West midsection line North 87°56'39" East 752.43 feet to the center of said Section 32; thence along said North-South midsection line South 00°08'59" East 193.70 feet back to the point of beginning.

The area described aggregates approximately 3.11 acres in El Dorado County, California.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2-1, these lands shall immediately be relieved of the segregative effect of the above mentioned application.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-28055 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-84-M

[A-17379]

Arizona; Realty Action; Competitive Sale of Public Land in Graham County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy

and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value (\$16,000).

Legal Description

Township 6 South, Range 24 East, Gila and Salt River Base & Meridian
Section 10: W½SW¼: 80.00 Acres

The above described land will be offered for sale by means of sealed bids, which will establish the highest bid as the base for the oral auction to follow. Sealed bids must be received by 2:00 P.M., Wednesday, January 5, 1983 in the Safford District Office, 425 East Fourth Street, Safford, Arizona 85546. The oral offering of this public land is scheduled to be held at 2:00 P.M., Friday, January 14, 1983 at the Safford District Office. Detailed information concerning the sale, including the planning documents, environmental assessment, and record of public discussions, is available for review at the Safford District Office.

The land is being offered for sale in order to facilitate land use planning in the area, enhance land use compatibility with adjoining private lands, and further develop this section of Graham County. The land has potential for expansion within this heavy industrial zone (M X Zone). Residential development is precluded without a positive recommendation by the Graham County Planning and Zoning Commission and subsequent approval by the Graham County Board of Supervisors. The public interest would be served by offering this land for sale.

The terms and conditions applicable to the sale are:

1. There is no legal access to the subject land, and physical access may be restricted.
2. A reservation for a perpetual non-exclusive road right-of-way not to exceed a full width of thirty-two feet will be incorporated into the patent. Equitable consideration between the public interest and the successful bidder will be made concerning the road alignment, without further monetary compensation to the successful bidder.
3. A right-of-way is reserved for ditches and canals constructed under the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).
4. All minerals shall be reserved to the United States. Such minerals shall be subject to the right to explore, prospect for, mine, and remove under applicable law and such regulations as prescribed by the Secretary of the Interior.
5. The sale of this land will be subject to all valid and existing rights-of-way.
6. No preference right will be given to adjoining land owner.

7. No bids will be accepted for less than the appraised value (\$16,000). All bids must apply to this land as one parcel of land. Federal law requires that bidders be U.S. citizens, or in the case of a corporation, subject to the laws of any state in the United States.

8. The permittee now residing on this land, if not the successful oral bidder, will be granted 30 calendar days to remove all of the improvements and appurtenances relating to his occupancy, and rehabilitate the land, as required, upon the successful closure of the sale. Failure of the permittee to comply with the terms and conditions of his permit will be just cause to have said improvements and appurtenances removed, by the Bureau of Land Management, with such cost of removal and rehabilitation fully attributed to the permittee.

The final offering of this land will be conducted by oral bidding. Bidding must be made by the principle or his agent at the time of the sale. The highest oral bid will establish the sale price. The highest bidder will be required to submit a non-refundable minimal deposit of one-fifth of the full bid price immediately at the sale. The highest bidder must submit the remainder of the land payment by cash, certified check, bank draft, money order, or combination at the time of the sale or 30 days after the determination of the highest bid. If final payment is not received within the specific 30 days, the high bid is rejected, the deposit is forfeited, and the land will be offered to the second, highest bidder. The deposit is disposed of as other receipts of the sale. Should the second highest bidder decline purchasing the land within 30 days, this sale will be closed. The subject land will be re-offered for competitive sealed bids beginning Monday, April 4, 1983, at 2:00 P.M., through Monday, April 20, 1983, terminating at 2:00 P.M. The subsequent oral bidding, based on the highest sealed bid submitted will be held at 2:00 P.M., Monday, April 25, 1983 at the Safford District Office. All terms and conditions, the appraised price, and applicable policies and procedures remain the same as previously described herein.

For a period of 45 days from the date of this Notice, or 45 days prior to the date of the second offering if such is the case, interested parties may submit comments to the District Manager, Safford District, Bureau of Land Management, 425 E. Fourth Street, Safford, Arizona 85546. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of

any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: October 4, 1982.

Lester K. Rosenkrance,
District Manager.

[FR Doc. 82-28056 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-18858]

Idaho; Conveyance of Public Lands; Owyhee County

October 5, 1982.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), the following-described public lands have been sold to Gloria W. Otto, 250 Austin Avenue, Atherton, California 94025.

Boise Meridian, Idaho

T. 5 S., R. 3 W.,

Sec. 6, lot 98.

Comprising 0.21 acres.

The lands were conveyed to resolve a very complicated and long standing occupancy problem in the old historic mining area of Silver City. The public interest was well served through the completion of the sale. The fair market value of the land was appraised at \$325.00 and payment of this amount was received by the United States.

Vincent S. Strobel,

Acting Chief, Division of Operations.

[FR Doc. 82-28051 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-18893]

Idaho; Conveyance of Public Lands; Owyhee County

October 5, 1982.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), the following-described public lands have been sold to Robert E. and Carolyn J. Leonard, 2102 N. Liberty, Boise, Idaho 83704.

Boise Meridian, Idaho

T. 5 S., R. 3 W.,

Sec. 6, lot 105.

Comprising 0.68 acres

The lands were conveyed to resolve a very complicated and long standing occupancy problem in the old historic mining area of Silver City. The public interest was well served through the completion of the sale. The fair market value of the land was appraised at

\$1,054.00 and payment of this amount was received by the United States.

Vincent S. Strobel,
Acting Chief, Division of Operations.

[FR Doc. 82-28052 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-18819]

Idaho; Conveyance of Public Lands; Owyhee County

October 5, 1982.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), the following-described public lands have been sold to Robert E. and Carolyn J. Leonard, 2102 N. Liberty, Boise, Idaho 83704.

Boise Meridian, Idaho

T. 5 S., R. 3 W.,

Sec. 8, lot 90.

Comprising 0.20 acres

The lands were conveyed to resolve a very complicated and long standing occupancy problem in the old historic mining area of Silver City. The public interest was well served through the completion of the sale. The fair market value of the land was appraised at \$310.00 and payment of this amount was received by the United States.

Vincent S. Strobel,
Acting Chief, Division of Operations.

[FR Doc. 82-28053 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Mines

Bureau Survey Form Submitted for Review

The extension for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. William T. Adams, at 202-395-7340.

Title: Railroad Agent's Report of Shipments of Minerals and Mineral Products
Bureau Form Number: 6-1198-M
Frequency: Monthly
Description of Respondents: Railway stations handling mineral products
Annual Responses: 564
Annual Burden Hours: 282

Bureau Clearance Officer: Robert L. Miller,
202-634-1125

Dated: September 29, 1982.

Robert C. Horton,
Director, Bureau of Mines.

[FR Doc. 82-28057 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-53-M

Bureau Survey Form Submitted for Review

The extension for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. William T. Adams, at 202-395-7340.

Title: Blast Furnace and Steel Furnace Report
Bureau Form Number: 6-1067-A

Frequency: Annual

Description of Respondents: Producers of Pig Iron

Annual Responses: 50

Annual Burden Hours: 250

Bureau Clearance Officer: Robert L. Miller,
202-634-1125

Dated: September 29, 1982.

Robert C. Horton,
Director, Bureau of Mines.

[FR Doc. 82-28058 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-53-M

Fish and Wildlife Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the Office of Management and Budget reviewing official, Mr. Rick Otis, at 202-395-7340.

Title: Environmental Education Evaluations, to evaluate the effectiveness of such

programs, activities and materials from the users viewpoint

Bureau Form Number: N/A

Frequency: On occasion

Description of Respondents: Teachers, educators, and other leaders of refuge environmental education programs

Annual Responses: 2,000

Annual Burden Hours: 200

Service Clearance Officer: Arthur J. Ferguson,
202-653-8770

Walter R. McAllester,
Acting Associate Director, Wildlife Resources.

September 30, 1982.

[FR Doc. 82-28059 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Corpus Christi Oil and Gas Company Padre Island National Seashore Texas; Availability of Plan of Operations and Environmental Analysis for the Purpose of Drilling an Exploratory Oil- Natural Gas Well No. 1

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the code of Federal Regulations that the National Park Service has received from Corpus Christi Oil and Gas Company a plan of operations for the purpose of drilling an Exploratory Oil-Natural Gas Well No. 1 within State Tract 228, Padre Island National Seashore, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418. Copies of the document are available from Padre Island National Seashore and will be sent upon request, to individuals or groups at a charge of \$4.70 per copy, pursuant to the freedom of Information Act. The document is 47 pages in length.

Dated: September 29, 1982.

Robert Finn,
Regional Director, Southwest Region.

[FR Doc. 82-28092 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 1, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register

criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by October 28, 1982.

Bruce MacDougall,

Acting Chief of Registration, National Register.

ARIZONA

Yavapai County

Clarkdale, *Clark Memorial Clubhouse*, Off N. 9th St.

CALIFORNIA

Alameda County

Berkeley, *Boone's University School*, 2029 Durant Ave.
Berkeley, *Hillside School*, 1581 LeRoy Ave.

Calaveras County

Murphys, *Murphys Historic District*, Sheep Ranch Rd., Main, Church, Jones, Algiers Sts., Big Trees Rd., and Angels Creek

Fresno County

Fresno, *Bank of Italy*, 1015 Fulton Mall
Fresno, *Fresno Bee Building*, 1555 Van Ness Ave.
Fresno, *Kindler, Paul, House*, 1520 E. Olive Ave.

Humboldt County

Eureka, *McDonald, D.C., Building*, 108 F St.

Los Angeles County

Los Angeles, *Engine House No. 18*, 2616 S. Hobart Blvd.
Los Angeles, *Smith Estate*, 5905 El Mio Dr.
Pasadena, *Civic Center Financial District*, E. Colorado Blvd. and Marengo Ave.
Pasadena, *Odd Fellows Temple*, 175 N. Los Robles Ave.

Monterey County

Pacific Grove, *Centrella Hotel*, 612 Central Ave.

Orange County

Anaheim, *Truxaw-Gervais House*, 887 S. Anaheim Blvd.
Santa Ana, *Santa Ana City Hall*, 217 N. Main St.

Sacramento County

Sacramento, *Hotel Regis*, 1024-1030 K St.
Walnut Grove, *Imperial Theatre*, Market St.

San Bernardino County

Fontana, *Fontana Farms Company Ranch House*, Camp 11, 8803 Pepper St.

San Francisco County

San Francisco, *De Lano House*, 70 Buena Vista Terr.
San Francisco, *Edwards, Frank G., House*, 1366 Guerrero St.
San Francisco, *Herald Hotel*, 308 Eddy St.

San Joaquin County

Stockton, *Tretheway Block*, 229 E. Weber St.

San Luis Obispo County

Cambria, *Old Santa Rosa Catholic Church and Cemetery*, Main St.

Paso Robles, *Brewster-Dutra House*, 1803 Vine St.

Santa Barbara County

Santa Barbara, *Hill-Carrillo Adobe*, 11 E. Carrillo St.

Santa Clara County

San Jose, *Moir Building*, 227-247 N. 1st St.
San Jose, *Ross House*, 693 S. 2nd St.

Siskiyou County

Dunsmuir, *Dunsmuir Historic Commercial District*, Roughly bounded by Sacramento and Shasta Aves., Spruce and Cedar Sts. (both sides)

COLORADO

Denver County

Denver, *Butters, Alfred, House*, 1129 Pennsylvania
Denver, *Fleming-Hanington House*, 1133 Pennsylvania

Dolores County

Rico, *Kauffman, William, House*, Silver St.

Grand County

Kremmling vicinity, *Yust, E.C., Homestead*, S of Kremmling off CO 9

Montezuma County

Cortez vicinity, *Mud Springs Pueblo*

Pueblo County

Pueblo, *Union Avenue Historic Commercial District*, Roughly bounded by RR tracks, Main St., Grand and Victoria Aves.

DELAWARE

Kent County

Leipsic vicinity, *Raymond Neck Historic District*, N of Leipsic between Leipsic River and CR 85
Milford, *Walnut Farm*, Roosa Rd.
Williamsville, *Griffith's Chapel*, Jct of SR 442 and 443

New Castle County

Rockland vicinity, *Young, William, House*, E of Rockland on SR 228

Sussex County

Bridgeville vicinity, *Eratt House*, W of Bridgeville on DE 572
Bridgeville vicinity, *Scott's Store*, NW of Bridgeville on DE 404

FLORIDA

Duval County

Jacksonville, *Lane-Towers House*, 3730 Richmond St.

Pinellas County

St. Petersburg, *Veillard House*, 262 N. 4th Ave.

Santa Rosa County

Milton, *Exchange Hotel*, 300 Elmira St.
Milton, *Louisville and Nashville Depot*, 206 Henry St.

IDAHO

Ada County

Boise, *Cole School and Gymnasium* (Boise Public Schools TR), 7415 Fairview Ave.

Boise, *Collister School* (Boise Public Schools TR), 4426 Catalpa Dr.

Boise, *Franklin School* (Boise Public Schools TR), 5007 Franklin Rd.

Boise, *Friedline Apartments*, 1312-1326 State St.

Boise, *Garfield School* (Boise Public Schools TR), 1914 Broadway Ave.

Boise, *Hyde Park Historic District*, Both sides of N 13th St. between Alturas and Brumback Sts.

Boise, *Longfellow School* (Boise Public Schools TR), 1511 N. 9th St.

Boise, *Lowell School* (Boise Public Schools TR), 1507 N. 22nd St.

Boise, *Pierce Park School* (Boise Public Schools TR), 5015 Pierce Park Lane

Boise, *Roosevelt School* (Boise Public Schools TR), 908 E. Jefferson St.

Boise, *St. Paul Missionary Baptist Church*, 124 Broadway Ave.

Boise, *Ustick School*, 2971 Mumbarto St.

Boise, *Whitney School* (Boise Public Schools TR), 1609 S. Owyhee St.

Eagle, *Aiken's Hotel*, 99 E. State St.

Blaine County

Hailey, *Hailey Historic District*, Roughly bounded by Croy, Carbonate, and River Sts. and First Ave.

Clearwater County

Orofino, *Orofino Historic District*, 2nd, Dewey, Main, Johnson, and 6th Sts.

Elmore County

Mountain Home, *Mountain Home Hotel*, 195 N. 2nd West

Jefferson County

Annis vicinity, *Scott, Josiah, House*, SW of Annis

Madison County

Rexburg, *Brenner, Jacob, House*, 51 S. 1st West

Nez Perce County

Lewiston, *Aspoas, James, House* (Blanchard Heights Residential Development TR), 1610 15th Ave.

Lewiston, *Booth, Frank, House* (Blanchard Heights Residential Development TR), 1608 17th Ave.

Lewiston, *Hester, P. J., House* (Blanchard Heights Residential Development TR), 1622 15th Ave.

Lewiston, *McLaren, William, House* (Blanchard Heights Residential Development TR), 1602 15th Ave.

Lewiston, *Tamblyn, Mrs. M. A., House* (Tadd, Glen W., House) (Blanchard Heights Residential Development TR), 1506 17th Ave.

Lewiston, *Thompson, Gaylord, House* (Blanchard Heights Residential Development TR), 1624 17th Ave.

Lewiston, *Wyatt, W. R., House* (Blanchard Heights Residential Development TR), 1524 18th Ave.

INDIANA

Vanderburgh County

Evansville, *Maier, Peter Augustus, House*, 707 S. 6th St.

Wabash County

North Manchester, *Lentz House (Hotel Sheller)*, Walnut and 2nd Sts.

KENTUCKY**Bath County**

Owingsville vicinity, *Myrtle Hill*, S of Owingsville, off US 64

Boone County

Petersburg, *Carlton, Jonathan, House*, Market St.

Union vicinity, *Fowler, Benjamin Piatt, House*, N of Union on US 40

Campbell County

California vicinity, *Herndon, Elijah, House*, NW of California on Washington Trace Rd.

Daviess County

Owensboro, *Owensboro Historic Commercial District*, 2nd St. between St. Ann and Lewis Sts.

Fayette County

Lexington, *Lexington Herald Building*, 121 Walnut St.

Lexington, *Maxwell Place (Judge James Hillary Mulligan House)*, Rose St., University of Kentucky

Harrison County

Cynthiana, *Roberts, Wesley, House*, 113-115 N. Main St.

Henry County

Smithfield vicinity, *Hieatt, Samuel, House*, N of Smithfield on Hieatt Rd.

Jefferson County

Louisville, *First Lutheran Church*, 417 E. Broadway

Louisville, *Keneseth Israel Synagogue*, 232-236 W. Jacob St.

Louisville, *St. George's Roman Catholic Church*, 1909 Standard Ave.

Louisville, *St. Bonifacius Kirche Complex*, 501-31 E. Liberty St.

Logan County

Auburn, *Davidson, G. W., House and Bank*, Main St.

Russellville vicinity, *Pleasant Run Methodist Church*, SE of Russellville on KY 663

Mercer County

Harrodsburg, *Woods, Archibald, House*, 129 N. East St.

Owsley County

Booneville, *Moyers Building*, S. Court St.

Simpson County

Franklin, *Duncan House*, 301 N. Main St.

Wayne County

Monticello, *Monticello Historic Commercial District*, Main and Columbia Sts.

Woodford County

Pinckard vicinity, *Jennings, Doctor William, House*, S of Pinckard on KY 169

LOUISIANA**DeSoto Parish**

Mansfield, *U.S. Post Office*, 104 Jefferson St.

East Baton Rouge Parish

Baker vicinity, *Leland College*, W of Baker off LA 19

Iberia Parish

New Iberia, *Conrad Rice Mill*, 307 Ann St.

Orleans Parish

New Orleans, *Genella, Mary Louise*

Kennedy, House, 5022-5028 Prytania St.
New Orleans, *Park View Guest House*, 7004 St. Charles Ave.

MAINE**Cumberland County**

Portland, *Sparrow House*, 35 Arlington St.

Franklin County

Farmington, *Greenacre*, 17 Court St.

Kennebec County

Gardiner, *Gardiner Railroad Station*, 51

Maine Ave.

Vienna, *Vienna Town House*, ME 41

Penobscot County

Brewer, *Sargent, Daniel, House*, 613 S. Main St.

Washington County

Cherryfield, *Campbell, Frank, House*, US 1

York County

Biddeford, *Dudley Block*, 28-34 Water St.

MARYLAND

Baltimore (Independent city), *Sonneborn Building*, 110 S. Paca St.

MICHIGAN**Mackinac County**

Moran Township vicinity, *Gros Cap*

Archaeological District,

St. Ignace, *Marquette Street Archaeological District*,

Saginaw County

Bridgeport vicinity, *Bugai Site (20SA215)*,

Fosters vicinity, *Fosters Site (20SA74)*,

St. Charles vicinity, *Mahoney Site (20SA193)*.

MISSISSIPPI**Adams County**

Natchez, *Airlie (Belvidere)*, 9 Elm St.

NEBRASKA**Douglas County**

Omaha, *McLaughlin, Charles D., House*, 507 S. 38th St.

Lancaster County

Lincoln, *Whitehall (Olive White House)*, 5903 Walker

NEW HAMPSHIRE**Belknap County**

Tilton vicinity, *Lochmere Archeological District*,

Coos County

Lancaster, *Garland Mill*, Garland Rd.

Grafton County

Ashland, *Ashland Railroad Station*, 39 Depot St.

Hillsborough County

Manchester, *District A (Amoskeag Manufacturing Company Housing Districts TR)*, Bounded by Pleasant, State, Granite, and Bedford Sts.

Manchester, *District B (Amoskeag Manufacturing Company Housing Districts TR)*, Roughly bounded by Canal, Mechanic, Franklin, and Pleasant Sts.

Manchester, *District C (Amoskeag Manufacturing Company Housing Districts TR)*, Roughly bounded by N. Hampshire Lane, Hollis, Canal, and Bridge Sts.

Manchester, *District D (Amoskeag Manufacturing Company Housing Districts TR)*, Roughly bounded by Canal, Langdon, Elm, and W. Brook Sts.

Manchester, *District E (Amoskeag Manufacturing Company Housing Districts TR)*, 258-322 McGregor St.

Laconia County

Belknap, *Laconia District Court*, Academy Sq.

Merrimack County

Concord, *White Park*, Bounded by Washington Centre, High, Beacon, and White Sts.

Hopkinton vicinity, *Patch Farm*, NE of Hopkinton on Patch Rd.

Rockingham County

Epping, *Watson Academy*, Academy St.
Hampton, *Lamprey, Reuben, Homestead*, 416 Winnacunnet Rd.

NEW YORK**Albany County**

Altamont, *Altamont Historic District (Guilderland MRA)*, Main St. between Thacher Dr. and the RR station.

Guilderland, *Apple Tavern (Guilderland MRA)*, 4450 Altamont Rd.

Guilderland, *Aumic House (Guilderland MRA)*, Leesome Ln.

Guilderland, *Chapel House (Guilderland MRA)*, Western Ave.

Guilderland, *Coppola House (Guilderland MRA)*, Leesome Ln.

Guilderland, *Crounse, Frederick, House (Guilderland MRA)*, 3960 Altamont-Voorheesville Rd.

Guilderland, *Crounse, Jacob, Inn (Guilderland MRA)*, 3933 Altamont Rd.

Guilderland, *Crounse, John and Henry, Farm Complex (Guilderland MRA)*, 3970 Altamont-Voorheesville Rd.

Guilderland, *Fuller's Tavern (Guilderland MRA)*, 6861 Western Tpk.

Guilderland, *Gardner House (Guilderland MRA)*, 5661 Gardner Rd.

Guilderland, *Gifford Grange Hall (Guilderland MRA)*, Western Tpk.

Guilderland, *Gillespie House (Guilderland MRA)*, 2554 Western Tpk.

Guilderland, *Guilderland Cemetery Vault (Guilderland MRA)*, In Guilderland Cemetery, NY 158

Guilderland, *Hamilton Union Church Rectory (Guilderland MRA)*, 2267 Western Tpk.

Guilderland, *Hamilton Union Presbyterian Church (Guilderland MRA)*, 2291 Western Tpk.

Guilderland, *Helderberg Reformed Dutch Church (Guilderland MRA)*, 140 Main St.
 Guilderland, *Hilton, Adam, House (Guilderland MRA)*, 6073 Leesome Ln.
 Guilderland, *Houck Farmhouse (Guilderland MRA)*, 6156 Ostrander Rd.
 Guilderland, *Knower House (Guilderland MRA)*, 3921 Altamont Rd.
 Guilderland, *McNiven Farm Complex (Guilderland MRA)*, 4178 Altamont Rd.
 Guilderland, *Mynderse-Frederick House (Guilderland MRA)*, 152 Main St.
 Guilderland, *Pangburn, Stephen, House (Guilderland MRA)*, 2357 Old State
 Guilderland, *Parker, Charles, House (Guilderland MRA)*, 2273 Old State
 Guilderland, *Prospect Hill Cemetery Building (Guilderland MRA)*, Western Tpk.
 Guilderland, *Rose Hill (Guilderland MRA)*, 2259 Western Tpk.
 Guilderland, *Schoolcraft, John, House (Guilderland MRA)*, 2299 Western Tpk.
 Guilderland, *Schoolhouse #6 (Guilderland MRA)*, 206 Main St.
 Guilderland, *Sharp Brothers House (Guilderland MRA)*, 4382 Western Tpk.
 Guilderland, *Sharp Farmhouse (Guilderland MRA)*, 4379 Western Tpk.
 Guilderland, *St. Mark's Lutheran Church (Guilderland MRA)*, Main St.
 Guilderland, *Van Patten Barn Complex (Guilderland MRA)*, 4773 Western Tpk.
 Guilderland, *Vanderpool Farm Complex (Guilderland MRA)*, 3647 Settles Hill Rd.
 Guilderland, *Veeder Farmhouse #1 (Guilderland MRA)*, 3770 Western Tpk.
 Guilderland, *Veeder Farmhouse #2 (Guilderland MRA)*, 3858 Western Tpk.

Bronx County

New York, *Edgehill Church of Spuvten Duvil*, 2550 Independence Ave.
 New York, *52nd Police Precinct Station House and Stable*, 3016 Webster Ave.

Chemung County

Horseheads, *Hanover Square Historic District*, Jct. of E. and W. Franklin and N. and S. Main Sts.

Chenango County

Bainbridge, *Bainbridge Historic District*, E. Main, Juliard, N. Main, Pearl, S. Main and W. Main Sts., Park Pl. and Railroad Ave.
 Sherburne, *Sherburne Historic District*, N. and S. Main, E. and W. State, Classic, Summit and Church Sts. and Park Ave.
 Earlville, *Earlville Historic District*, Fayette, N., S., E., and W. Main Sts.

Clinton County

Plattsburgh, *Bailey, William, House (Plattsburgh City MRA)*, 176 Cornelia St.
 Plattsburgh, *Brinkerhoff Street Historic District (Plattsburgh City MRA)*, Brinkerhoff St. between Oak and N. Catherine Sts.
 Plattsburgh, *Carpenter, John B., House (Plattsburgh City MRA)*, 42 Prospect Ave.
 Plattsburgh, *Clinton County Court House Complex (Plattsburgh City MRA)*, 135 Margaret St.
 Plattsburgh, *Court Street Historic District (Plattsburgh City MRA)*, Court St. between Oak to Beekman Sts.
 Plattsburgh, *D & H Railroad Complex (Plattsburgh City MRA)*, Bridge St.

Plattsburgh, *D'Youville Academy (Plattsburgh City MRA)*, 100 Cornelia St.
 Plattsburgh, *First Presbyterian Church (Plattsburgh City MRA)*, 34 Brinkerhoff St.
 Plattsburgh, *Hartwell, W. W., House & Dependencies (Regina Maria Retreat House) (Plattsburgh City MRA)*, 77 Brinkerhoff St.
 Plattsburgh, *Hawkins Hall (Plattsburgh City MRA)*, Beekman St.
 Plattsburgh, *House at 56 Cornelia Street (Plattsburgh City MRA)*, 56 Cornelia St.
 Plattsburgh, *Marshall, Paul, House (Plattsburgh City MRA)*, 24-26 Cornelia St.
 Plattsburgh, *Platt, Charles C., Homestead (Plattsburgh City MRA)*, 96-98 Boynton Ave.
 Plattsburgh, *Point, The, Historic District (Plattsburgh City MRA)*, Roughly bounded by Jay, Hamilton, Peru, and Bridge Sts.
 Plattsburgh, *Richie, Z., House (Plattsburgh City MRA)*, 26 S. Catherine St.
 Plattsburgh, *St. John the Baptist R. C. Church and Rectory (Plattsburgh City MRA)*, 20 Broad St.
 Plattsburgh, *Vilas, S. F., Home for Aged & Infirmed Ladies (Plattsburgh City MRA)*, Beekman and Cornelia Sts.
 Plattsburgh, *Wilcox, W. G., House (Plattsburgh City MRA)*, 45-51 Lorraine St.
 Plattsburgh, *Winslow-Turner Carriage House (Plattsburgh City MRA)*, 210 Cornelia St.

Cortland County

Cortland, *Cortland County Poor Farm*, NE of Cortland off NY 13.

Essex County

Port Henry, *Van Ornam & Murdock Block*, Main St.

Jefferson County

Evans Mills, *LeRay Hotel*, Main and Nobel Sts.
 Orleans, *Thousand Island Park Historic District*, S tip of Wellesley Island

Kings County

New York, *Astral Apartments*, 184 Franklin St.
 New York, *Knickerbocker Field Club*, 114 E. 18th St.
 New York, *Stoothoff-Baxter-Kouwenhoven House*, 1640 E. 48th St.

New York County

New York, *New York Yacht Club*, 37 W. 44th St.
 New York, *Apartment at 1261 Madison Avenue*, 1261 Madison Ave.
 New York, *Barbizon Hotel for Women*, 140 E. 63rd St.
 New York, *Casa Italiana*, 1151-1161 Amsterdam Ave.
 New York, *Central Park West Historic District*, Central Park West between 61st and 97th Sts.
 New York, *Daily New Building*, 220 E. 42nd St.
 New York, *First Police Precinct Station House*, South St. and Old Slip
 New York, *Goaerveur Hospital*, 621 Water St.
 New York, *Grand Central Terminal Post Office*, Lexington Ave. and E. 45th St.
 New York, *Houses at 120 and 122 East 92nd Street*, 120-122 E. 92nd St.

New York, *Houses at 311 and 313 East 58th Street*, 311-313 E. 58th St.
 New York, *Houses at 437-459 West 24th Street*, 437-459 W. 24th St.
 New York, *Hughes, Langston, House*, 20 E. 127th St.
 New York, *Kreischer House*, 4500 Arthur Kill Rd.
 New York, *LeRoy, Daniel, House*, 20 St. Mark's Pl.
 New York, *New York County Lawyers Association Building*, 14 Vesey St.
 New York, *Robbins & Appleton Building*, 1-5 Bond St.
 New York, *Vanderbilt, Mrs. Graham Fair, House*, 60 E. 93rd St.
 New York, *Warburg, Felix M., Mansion*, 1109 5th Ave.

Oneida County

Utica, *Lower Genesee Street Historic District*, Roughly bounded by Genesee, Liberty, Seneca, and Whitesboro Sts. (both sides)
 Utica, *Utica Public Library*, 303 Genesee St.

Oswego County

Constantia, *Trinity Church*, NY 49

Otsego County

Oneonta, *Municipal Building*, 238-242 Main St.

Queens County

New York, *RKO Keith's Theatre*, 129-143 Northern Blvd.

Richmond County

Eltingville, *St. Alban's Episcopal Church*, 76 St. Albans Place
 New York, *Houses at 364 and 390 Van Duzer Street*, 364 and 390 Van Duzer St.
 New York, *Housman, Peter, House*, 308 St. John Ave.
 New York, *Woodrow Methodist Church*, 1109 Woodrow Rd.

Saratoga County

Saratoga Springs, *East Side Historic District*, Roughly bounded by George, Henry, East, and North Sts.

Ulster County

Wallkill vicinity, *Reformed Dutch Church of New Hurley*, N of Wallkill on NY 208

Westchester County

Rye, *Boston Post Road Historic District*, Roughly bounded by Boston Post Rd. and Milton Harbor
 Yonkers, *Thompson, W.B., Mansion*, 1061 N Broadway

OREGON

Clackamas County

Canby vicinity, *Kraft-Brandes-Culbertson Farmstead*, N of Canby at 2525 N. Baker Dr.
 Oregon City, *Babcock, Charles C., House*, 1214 Washington St.

Columbia County

St. Helens, *Cox-Williams House*, 280 S. 1st St.

Jackson County

Ashland, *Nininger, Amos and Vera, House*, 80 Hargadine St.

Medford, *Clark, Frank Chamberlain, House*, 1917 E. Main St.
 Medford, *Pickel, Dr. E. B., Rental House*, 815 W. Main St.

Linn County

Brownsville, *Starr and Blakely Drug Store*, 421 N. Main St.

Morrow County

Heppner, *Heppner Hotel*, 124 N. Main St.

PENNSYLVANIA

Allegheny County

Upper St. Clair, *Boyce Station*, 1050 Boyce Rd.

Berks County

East Berkley, *Davies House*, Berkley Rd.

Dauphin County

Harrisburg, *Colonial Theatre*, 3rd and Market Sts.

Harrisburg, *Kunkel Building*, 301 Market St.

McKean County

Bradford, *Barrett, Rufus, Stone House*, 11 Boylston St.

Philadelphia County

Philadelphia, *Drexel Development Historic District*, Roughly bounded by Pine, Delancy, 39th and 40th Sts.

Philadelphia, *Bair, Oliver H., Funeral Home*, 1818-1820 Chestnut St.

Philadelphia, *Breslyn Apartments*, 4624-4642 Walnut St., 201-213 S. 47th St.

Philadelphia, *Delmar Apartments*, 319 W. Chelton Ave.

Philadelphia, *Fleisher, Samuel S., Art Memorial*, 711-721 Catharine St.

Philadelphia, *Integrity Title Insurance, Trust and Safe Deposit Company*, 4th and Green Sts.

SOUTH CAROLINA

Charleston County

Charleston, *Farmfield Plantation House*, Farmfield Rd.

Mt. Pleasant vicinity, *Savannah (Nuclear Ship)*, W of Mt. Pleasant on E side of Charleston Harbor

Mt. Pleasant vicinity, *USS Laffey*, W of Mt. Pleasant on E side of Charleston Harbor

Mt. Pleasant vicinity, *USS Yorktown (CV-10)*, W of Mt. Pleasant on E side of Charleston Harbor

Chester County

Lowrys, *People's Free Library of South Carolina*, Church St.

Florence County

Florence, *Red Doe (Evander Gregg House)*, E of Florence on SC 327

Marion County

Mullins, *Razor and Clardy Company Building*, 202 S. Main St.

Oconee County

Walhalla, *Oconee County Cage (Oconee County Penal System TR)*, Church St.

Walhalla, *Oconee County Jail (Oconee County Penal System TR)*, Short St.

Spartanburg County

Glenn Springs vicinity, *Williams Place*, SW of Glenn Springs on SR 113

TEXAS

Dallas County

Dallas, *Grace Methodist Episcopal Church*, 4105 Junius St.

Harris County

Morgan's Point, *Sterling, Ross S., House*, 515 Bayridge Rd.

Smith County

Tyler, *Ramey House*, 605 S. Broadway St.

VIRGINIA

Charles City County

Charles City vicinity, *Upper Shirley*, W. of Charles City on SR 608

King and Queen County

Newtown, *Newtown Historic District*, VA 721 and 625

Loudoun County

Lincoln and vicinity, *Goose Creek Historic District*, Roughly bounded by Purcellville, VA 611, 728, 797, 862, 704, and 709

Middleburg, *Middleburg Historic District*, US 50, VA 626 and 776

WYOMING

Albany County

Centennial, *Centennial Depot*, WY 130

Laramie, *Lehman-Tunnell Mansion*, 618

Grand Ave.

Laramie, *St. Paulus Kirche*, 602 Garfield

Carbon County

Arlington, *Arlington*, S of I-80

Hanna, *Hanna Community Hall*, Front St.

Medicine Bow, *Medicine Bow Union Pacific Depot*, 405 Lincoln Hwy.

Rawlins, *Ferris, George, Mansion*, 607 W.

Maple St.

Savery, *Baker, Jim, Cabin*, Off WY 70

Converse County

Glenrock, *Hotel Higgins*, 416 W. Birch

Johnson County

Buffalo, *Union Congregational Church and Parsonage*, 110 Bennett St.

Laramie County

Cheyenne, *Sturgis, William, House*, 821 E. 17th St.

Natrona County

Casper vicinity, *Stone Ranch Stage Station*, NW of Casper on US 20/26

Park County

Cody, *Sheridan Avenue Historic District*, Sheridan Ave. between 11th and 14th Sts.

Sheridan County

Clearmont, *Clearmont Jail*, Water St.

Sheridan, *Sheridan Main Street Historic District*, Main St. from Burkitt to Mandel Sts.

Sweetwater County

Green River, *Sweetwater Brewery*, 48 W Railroad Ave.

[FR Doc. 82-28098 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-70-M

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that the Santa Monica Mountains National Recreation Area Advisory Commission will conduct a public hearing on the Development Concept Plan for Cross Mountains Parks. The meeting will be held on Tuesday, November 9, 1982 at 7:30 p.m. in the hall at Coldwater Canyon Park, 12601 Mulholland Drive, Beverly Hills, CA 90201.

The Advisory Commission was established by Pub. L. 95-625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
 Honorable Marvin Braude
 Ms. Sarah Dixon
 Ms. Margot Feuer
 Dr. Henry David Gray
 Mr. Edward Heidig
 Mr. Frank Hendler
 Ms. Mary C. Hernandez
 Mr. Peter Ireland
 Mr. Bob Lovellette
 Ms. Susan Barr Nelson
 Mr. Carey Peck
 Mr. Donald Wallace

The major agenda item include the following:

Development Concept Plan for Cross Mountain Parks

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

Dated: October 5, 1982.

William Webb,
Superintendent, Santa Monica Mountains
National Recreation Area.

[FR Doc. 82-28112 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Decision on the Status of Sweden and Cyprus Under the Mineral Lands Leasing Act of 1920

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Decision on the Status of Sweden and Cyprus under the Mineral Lands Leasing Act of 1920.

SUMMARY: The Department of the Interior requested in a notice published in the *Federal Register* of July 8, 1982 (47 FR 29720), that the public submit written comments on the status of Kuwait, Sweden and Cyprus under the Mineral Lands Leasing Act of 1920 by August 9, 1982. As a result of requests for an extension of the comment period on the status of Kuwait, the Department extended the comment period on the status of Kuwait only until October 8, 1982 (47 FR 35559; August 16, 1982). Meanwhile, a decision paper on the status of Sweden and Cyprus was completed and approved on September 17, 1982. It concluded that the laws, customs and regulations of Sweden and Cyprus do not deny similar or like privileges to citizens or corporations of the United States. This decision is consistent with the legal interpretation of section 1 of the Mineral Lands Leasing Act and with the Secretary of the Interior's recent decision concerning the status of Canada.

EFFECTIVE DATE: The decision concerning the status of Sweden and Cyprus became effective on September 17, 1982.

ADDRESS: Any suggestions or inquiries should be addressed to: Director (501), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mark A. Alexander, (202) 343-3352.

Frank A. DuBois,

Acting Assistant Secretary of the Interior.

October 5, 1982.

[FR Doc. 82-28037 Filed 10-12-82; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Temporary Authority Applications

The following are notices of filing applications for temporary authority

under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the *Federal Register* publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the *Federal Register*. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F 206

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 140950 (Sub-1-7TA), filed September 27, 1982. Applicant: BROOKVILLE TRANSPORT, LTD., 1170 Old Rothesay Road, St. John, New Brunswick, CD. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier:* irregular routes: *Polyethylene resin in bulk*, from Baton Rouge, LA, and Houston, TX, to points in ME on the International Boundary Line between the U.S. and CD under continuing contract(s) with Esso Chemical Canada, of Toronto, CD. Supporting shipper: Esso Chemical, Canada, a Division of Imperial Oil, Ltd., P.O. Box 429, Station A, Toronto, CD M5W 1K3.

MC 163980 (Sub-1-1TA), filed September 28, 1982. Applicant: CRUSADER TOURS AND COACH, INC., One Oxford Avenue, Jersey City, NJ 07304. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney, 555 Madison Avenue, New York, NY 10022. *Passengers and their baggage, in charter and special operations*, between points in NJ, New York, NY, and Nassau, Suffolk, Westchester and Rockland Counties, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): There are 6 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 158909 (Sub-1-1TA), filed September 24, 1982. Applicant: EDWARD G. ALBERINO, JR., d.b.a. E.G.A. FOOD DISTRIBUTORS, 403 Sawmill Road, West Haven, CT 06516. Representative: Jack L. Schiller, 123-60 83rd Avenue, Kew Gardens, NY 11415. *Contract carrier:* irregular routes: *Cartons and paperboard* from the facilities of Simkins Industries located at New Haven, CT, to Sunnyvale, CA, Chicago, IL, Kansas City, MO, and Seattle, WA, under continuing contract(s) with Simkins Industries of West Haven, CT. Supporting shipper: Simkins Industries, 259 East Street, New Haven, CT 06508.

MC 162915 (Sub-1-2TA), filed September 29, 1982. Applicant: EASY RIDER LINES, INC., 21 Queen Anne Drive, Deal, NJ 07723. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666. *Contract carrier:* regular routes: *Passengers and their baggage, in the same vehicle*, between Deal, NJ and Manhattan, NY, from Deal, NJ over NJ Hwy 71 to junction NJ Hwy 36, then over NJ Hwy 36 to junction Garden State Pkwy to junction NJ Turnpike at Exit 11, then over NJ Turnpike to junction NJ Hwy 3, then over NJ Hwy 3 through the Lincoln Tunnel to Manhattan, with drop-offs and pick-ups at 6th Avenue and 34th, 42nd, and 55th Streets, and 8th Avenue and 39th Street, and return over the same route, serving the intermediate points of Deal, Long Branch, West Long Branch, Ocean Township and the Garden State Interchange at Exit 105, under continuing contract(s) with members of the Jersey Shore Sephardic Congregation, Deal, NJ. Supporting shipper(s): There are 27 statements of support attached to this application which may be examined at the Regional Office the the I.C.C. in Boston, MA.

MC 159611 (Sub-1-1TA), filed September 30, 1982. Applicant: INTERCITY LINES, INC., Petersham Road, Hardwick, MA 01037. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Antique, Classic and Special Interest Vehicles*, between points in CT, ME, MA, NH, NY, RI, and VT, on the one hand, and, on the other, points in the U.S., except AK and HI. Supporting shipper(s): Von Herten's, Inc., 84 Warren Avenue, Westbrook, ME 04092; DSK Cars, Inc., 14 Pond Street, Marblehead, MA 01945; Classic Auto Sales of New England, Inc., One Commerce Way, Johnston, RI 02919; Vetco New England, Inc., East Street, Northfield, MA 01360; International Automotive, Inc., 608-612 East Main St., New Britain, CT.

MC 164005 (Sub-1-1TA), filed September 27, 1982. Applicant: JIM BYRNE, d.b.a. JBT, 17A Hillcrest Drive, Glen Head, NY 11545. Representative: Jack L. Schiller, 123-60 83rd Avenue, Kew Gardens, NY 11415. *Contract carrier: irregular routes: Stainless steel* from the facilities of The Stainless Steel Stock Exchange, Inc., located at Ridgefield Park, NJ, to points in CT, MA, OH, PA, TX, Detroit, MI, and Keyser, WV, under continuing contract(s) with The Stainless Steel Stock Exchange, Inc., of Ridgefield, Park, NJ. Supporting shipper: The Stainless Steel Stock Exchange, Inc., 222 Bergen Turnpike, Ridgefield Park, NJ 07660.

MC 128541 (Sub-1-2TA), filed September 28, 1982. Applicant: WESLEY WAYNE MACOMBER, d.b.a. W. W. MACOMBER TRUCKING, RFD 1A Pond Road, Gardiner, ME 04345. Representative: Wesley Wayne Macomber (same as applicant). *Contract carrier: irregular routes: Construction steel and aluminum and accessories therefor*, between points in ME, NH, MA, CT, RI, NY, NJ, PA and OH, under continuing contract(s) with T. W. Dick Co., of Gardiner, ME. Supporting shipper: T. W. Dick Co., 1 Summer Street, Gardiner, ME 04345.

MC 163979 (Sub-1-1TA), filed September 24, 1982. Applicant: NIGHTINGALE EXPRESS, INC., 51 Fulton Street, Poughkeepsie, NY 12601. Representative: Silber, Sibley, Wozniak & Pisanelli, 11 Cannon Street, Poughkeepsie, NY 12601. *Contract carrier: irregular routes: Malt beverages* from Poughkeepsie, NY to points in the U.S. under continuing contract(s) with Bridge City Distributors, Inc., of Poughkeepsie, NY and Wayne Beverage, Inc., of Chester, NY. Supporting shipper(s): Bridge City Distributors, Inc., 51 Fulton Street, Poughkeepsie, NY

12601; Wayne Beverage, Inc., Black Meadows Road, Chester, NY.

MC 127610 (Sub-1-3TA), filed September 30, 1982. Applicant: J.P. NOONAN TRANSPORTATION, INC., 436 West Street, West Bridgewater, MA 02379. Representative: J. Peter Noonan, (Same as applicant). *Contract carrier: irregular routes: Fine grind calcium carbonate inert fillers and extenders, in bulk*, between points in the U.S. (except AK and HI) under continuing contract(s) with White Pigment Corporation of Florence, VT. Supporting shipper: White Pigment Corporation, RFD, Florence, VT 05744.

MC 151193 (Sub-1-36TA), filed September 24, 1982. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, Avenel, NJ 07001. Representative: Michael A. Beam, (Same as applicant). *Contract carrier: irregular routes: Toilet preparations*, from NJ to CA, under continuing contract(s) with Warner Cosmetics, Inc., Piscataway, NJ. Supporting shipper: Warner Cosmetics, Inc., 49 Colonial Drive, Piscataway, NJ 08854.

MC 146783 (Sub-1-2TA), filed September 24, 1982. Applicant: S&L TRANSPORTATION, INC., 59-21 156th Street, Flushing, NY 11355. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Metal and metal products*, between Buffalo, NY, Carteret, NJ, Bridgeport and Ansonia, CT, Abingdon, VA, Kenosha, WI, and Franklin, KY. Supporting shipper(s): Anaconda Brass, Magnet Wire Division of Atlantic Richfield, 1701 Golf Road, Tower 2, Rolling Meadows, IL 60008.

MC 156800 (Sub-1-7TA), filed September 24, 1982. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Raymond A. Talipski, 121 S. Main Street, Taylor, PA 18517. (1) *Electric appliances and related products*, between Lehigh County, PA and Monroe County, NY, on the one hand, and, on the other, CA and WA, and; on (2) *Plant and related products*, between Litchfield County, CT, on the one hand, and, on the other, points in the U.S. (except AK and HI) under contract(s) with General Electric Co., Bridgeport, CT and Keeler & Long, Inc., Watertown, CT. Supporting shipper(s): General Electric Co., Housewares and Audio Business Division, 1285 Boston Avenue, Bridgeport, CT 06602; Keeler & Long, Inc., Echo Lake Road, Watertown, CT 06795.

MC 133480 (Sub-1-1TA), filed September 24, 1982. Applicant: A. VIZZI, INC., 13 Heyward Hills Drive, Holmdel, NJ 07733. Representative: George A.

Olsen, P.O. Box 357, Gladstone, NJ 07934. *Rubber and related products*, between Long Branch, NJ, on the one hand, and, on the other, Wilmington, DE and Baltimore, MD. Supporting shipper(s): Monmouth Rubber Corp., 75 Long Branch Ave., Long Branch, NJ 07740.

The following applicants were filed in Region 2. Send protests to: ICC, Fed. Res. Bldg., 101 North 7th St., RM. 620, Philadelphia, PA 19106.

MC 45813 (Sub-II-1TA), filed September 20, 1982. Applicant: THE DUMFORD TRUCKING COMPANY, 6437 Germantown Road, Middletown, OH 45042. Representative: John L. Alden, 1396 West Fifth Ave., Columbus, OH 43212. *Paper, paper products, and paperboard; and materials, equipment and supplies used in the manufacture thereof*, except commodities in bulk, between OH, on the one hand, and, on the other, points in IL, IN, KY, and TN for 270 days. Supporting shipper(s): Diamond International Corporation, 407 Charles St., Middletown, OH 45042.

MC 158638 (Sub-II-2TA), filed September 21, 1982. Applicant: F. A. K. TRUCKING, INC., Suite 707, One Montgomery Plaza, Norristown, PA 19401. Representative: William C. Panetta, 1242 Main St. (rear), Norristown, PA 19401. *Contract, irregular: tires and related products*, from Edison and New Brunswick, NJ to Feasterville, Philadelphia and Norristown, PA; and from Norristown, PA to points in VA, TN and TX, under continuing contract(s) with Palmer Tire Co. An underlying ETA seeks 120 days authority. Supporting shipper(s): Palmer Tire Co., 1055 W. Germantown Pk., Norristown, PA.

MC 143308 (Sub-II-2TA), filed September 22, 1982. Applicant: GENERAL TRUCKING SERVICE, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: Thomas B. Hill, 1010 Jorie Blvd., Suite 200, Oak Brook, IL 60521. *Contract, irregular: chemicals and related products*, between Cleveland, OH and its Commercial Zone, on the one hand, and, on the other, points in IL, IN, MI, PA and OH, under continuing contract(s) with Ferro Corporation for 270 days. Supporting shipper: Ferro Corporation, One Erieview Plaza, Cleveland, OH 44114.

MC 163909 (Sub-II-1TA), filed September 20, 1982. Applicant: INDUSTRIAL MAINTENANCE & SERVICE CORPORATION, 1617 Willis Rd., Richmond, VA 23234. Representative: Terel C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Fabricated metal products, junction cabinets*,

computer cabinets, machinery, tanks, and toll booths and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities between Colonial Heights and Richmond, VA and points in Chesterfield, Hanover, and Henrico Counties, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): There are nine supporting shippers' statements attached to this application which may be examined at the Philadelphia Regional office.

MC 163894 (Sub-II-1TA), filed September 21, 1982. Applicant: INTERSTATE EXPRESS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Steel drums and materials, equipment and supplies used in the manufacture thereof*, between McKees Rocks and Neville Island, PA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and LA. An underlying ETA seeks 120 days authority. Supporting shippers(s): Calig Steel Drum Co., 1400 Fleming Ave., McKees Rocks, PA 15136.

MC 128302 (Sub-II-12TA), filed September 22, 1982. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. *Contract irregular*; food and related products between Elizabethtown, PA, and Chicago, IL, including points in their respective commercial zones for 270 days. Supporting shipper: M & M/Mars, Inc., Brown Street, Elizabethtown, PA.

MC 143406 (Sub-II-4TA), filed September 20, 1982. Applicant: MICHEL PROPERTIES, INC., Stenersen Lane, Cockeysville, MD 21030. Representative: Walter T. Evans, 4304 East-West Highway, Bethesda, MD 20814. *Contract irregular*; *paper bags* from Richmond, VA, Commercial Zone to Windsor Locks, CT; Landover, MD; Carlstadt, Edison, Kearney, South Brunswick and Woodbridge, NJ; Mamaroneck, NY, and Philadelphia, PA, under continuing contract with International Paper Company for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: International Paper Company, International Paper Plaza, 77 West 45th Street, New York, NY 10036.

MC 107012 (Sub-II-238TA), filed September 20, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Contract irregular*; *Household goods* between points in the U.S. under continuing

contract(s) with The Bendix Corporation for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Bendix Corporation, P.O. Box 5060, Southfield, MI 48037.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4-30 TA), filed September 24, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Martin T. Boratyn, P.O. Box 4403, Chicago, IL 60680. *Contract irregular*; *Household goods and electronic and photographic typesetting systems, components, accessories, parts, materials and supplies used in the manufacture, installation, lease, sale, distribution or operation of a complete typesetting system* between points in the U.S. (except AK and HI) under a continuing contract with Compugraphic Corporation, 80 Industrial Way, Wilmington, MA 01887.

MC 103786 (Sub-4-1 TA), filed September 23, 1982. Applicant: SCHJONEMAN TRUCKING, INC., P.O. Box 237, Colby, WI. Representative: Michael J. Collins, Collins, Beatty & Krekeler, S.C., 14 West Mifflin St., Suite 310, P.O. Box 1042, Madison, WI 53701. *Paper and related articles, and pulpwood and related articles* from Neenah and Menasha, WI to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY. Supporting shipper: James River Corp./Dixie Northwestern, Inc., P.O. Box 899, Neenah, WI 54956.

MC 133703 (Sub-4-1 TA), filed September 22, 1982. Applicant: WCS, INC., 770 North Springdale Road, P.O. Box 337, Waukesha, WI 53186. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705-0086, 608-238-3119. (1) Frozen fruit juice concentrates from Dade City, Orlando and Brandenton, FL to the facilities of Bodine's, Inc. in Chicago, IL; (2) chilled fruit juices and frozen fruit juice concentrates from the facilities of Bodine's, Inc. in Chicago, IL to all points in the U.S. (except AK and HI), all under continuing contract(s) with Bodine's, Inc. of Chicago, IL. An underlying ETA seeks 120 day authority. Supporting shipper: Bodine's Inc., 5757 West 59th Street, Chicago, IL 60638.

MC 134518 (Sub-4-3 TA), filed September 24, 1982. Applicant: CHEESE HAULING, INC., P.O. Box 1973, Bismarck, ND 58501. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Paper and paper products*, from points in

Brown County, WI, to points in Burleigh County, ND. Supporting shipper: D & E Supply, P.O. Box 1984, Bismarck, ND 58502.

MC 146062 (Sub-4-5TA), filed September 22, 1982. Applicant: J. C. HAULING CO., P.O. Box 12, Millstadt, IL 62260. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. *Iron ore pellets*, from Pea Ridge, MO to Granite City, IL; Supporting shipper: Granite City Steel, Div. National Steel, 20th & State Sts., Granite City, IL 62040.

MC 146108 (Sub-4-8TA), filed September 24, 1982. Applicant: BIG TRANSFER, INC., 222 West 4th Street, New Albany, IN 47150. Representative: Harold C. Jolliff, 3242 Beech Drive, Columbus, IN 47201, (812) 379-2556. *Contract irregular*: (1) Heating stoves, room heaters, and solar energy heating equipment; and (2) Materials, supplies and equipment used in the manufacture, installation, and distribution of the commodities in (1) above. Between Floyd County, IN, on the one hand, and, on the other, points in IL and KY, under continuing contract(s) with Fredericks Enterprises, Inc. of New Albany, IN. An underlying ETA seeks 120 days authority. Supporting shipper: Fredericks Enterprises, Inc., 2302 State Street, New Albany, IN 47150.

MC 146419 (Sub-4-3TA), filed September 23, 1982. Applicant: TIMEPIECE, INC., Box 342C, R.R. 3, Mauston, WI 53948. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703, (608) 256-7444. *Alcoholic beverages* from Hammondsport, NY and points in CA to Eau Claire, Madison, and Oshkosh, WI. Underlying ETA seeks 120 days authority. Supporting shippers: General Beer Distributors and General Beverage Sales Co., 6169 Highways 12 and 151, P.O. Box 4326, Madison, WI 53711, General Beverage Sales Co.—Oshkosh, P.O. Box 297, Oshkosh, WI 54901, and General Beverage Sales Inc.—Eau Claire, 2908 Melby St., Eau Claire, WI 54701.

MC 153883 (Sub-4-11TA), filed September 23, 1982. Applicant: HARNIC TRUCKING, INC., P.O. Box 1218, Hammond, IN 46325. Representative: Andrew K. Light, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract irregular*; *Paper products* (e.g. linerboard, paper boxes, paper bags) from Prattville, AL and Savannah, GA to Chicago, IL and its commercial zone. Restricted to continuing contract(s) with Union Camp Corporation of Wayne, NJ. An underlying ETA seeks 120 days

authority. Supporting shipper: Union Camp Corporation, P.O. Box 570, Savannah, GA 31402.

MC 161908 (Sub-4-2TA), filed September 23, 1982. Applicant: MICHAEL A. PONTO d.b.a. PONTO TRANSPORTATION, 571 Julius Drive, Appleton, WI 54901. Representative: William F. Mix, 21 A Muzzey Street, Lexington, MA 02173. *Food and related products, between Fond du Lac, WI and points in the states of CT, GA, MA, NC, SC, TN and VA. Restricted to traffic moving for the account of Midwest Storage, Inc., Fond du Lac, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Midwest Storage, Inc., 1771 Morris Street, Fond du Lac, WI 54911.*

MC 162231 (Sub-4-1TA), filed September 22, 1982. Applicant: CAMPBELL TREE & LAND TRANSPORTATION CORPORATION, Box 787, Wautoma, WI 54982. Representative: James A. Spiegel, attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract; irregular: paint, pigments, adhesives and materials, equipment and supplies used in the manufacture, sale and distribution of such commodities between Chicago, IL and Dane County, WI. Restriction: restricted to transportation performed under continuing contract(s) with Hallman Paints Inc., Supporting shipper: Hallman Paints, Inc., 501 South Bird Street, Sun Prairie, WI 53590.*

MC 163958 (Sub-4-1TA), filed September 22, 1982. Applicant: AL-RAD INTERNATIONAL, INC., 5625 North Pearl Street, Rosemont, IL 60018. Representative: Daniel O. Hands, 104 S. Michigan Avenue, Suite 410, Chicago, IL 60603. *General commodities (except classes A&B explosives, household goods and commodities in bulk) between Chicago, IL and points in its Commercial Zone, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Mil Ovan International, 9801 W. Lawrence, Schiller Park, IL 60176 and Timothy O Hannon Co., Inc., 5629 N. Pearl, Rosemont, IL 60018).*

MC 163959 (Sub-4-1TA), filed September 22, 1982. Applicant: JEFFREY S. SCHAEFER, d.b.a. SCHAEFER TRUCKING, 204 W. 14th St., Marshfield, WI 54449. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, 608-256-7444. *Furniture or fixtures between Marshfield, WI, on the one hand, and, on the other, points in CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, ND, and SD. An underlying ETA seeks 120 day authority. Supporting*

shipper: Modern of Marshfield, Inc., 137 West Ninth St., Marshfield, WI 54449.

MC 1827 (Sub-4-1TA), filed September 24, 1982. Applicant: K. W. McKEE INC., 2785 Highway 55, St. Paul, MN 55121. Representative: James E. Ballenthin, 1016 Conwed Tower, 444 Cedar St., St. Paul, MN 55101. *Contract irregular routes, transporting automobiles, from the facilities of Ford Motor Company, located at or near Chicago, IL to points in IA, MN, WI, ND, SD, MT and WY. Supporting shipper: Ford Motor Company, Rotunda at Southfield Rd., P.O. Box 1529-B, Dearborn, MI 48121.*

MC 2661 (Sub-41), filed September 27, 1982. Applicant: INDIAN TRAILS, INC., 109 East Comstock Street, Owosso, MI 48867. Representative: Robert J. Brooks, Vorys, Sater, Seymour and Pease, 1828 L Street, N.W., Suite 1111, Washington, D.C. 20036. *Passengers and their baggage, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in MI and extending to points in the U.S. (including AK and HI). There are five supporting shippers.*

MC 15735 (Sub-4-31TA), filed September 27, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household goods between points in the U.S. (except AK and HI) under a continuing contract with Continental Airlines, Inc. and its subsidiaries. Supporting shipper: Continental Airlines, Inc. of Los Angeles, California.*

MC 15735 (Sub-4-32TA), filed September 27, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household goods between points in the U.S. (except AK and HI) under continuing contract with Hyatt Hotels Corporation. Supporting shipper: Hyatt Hotels Corporation, Rosemont, IL.*

MC 148322 (Sub-4-1), filed September 27, 1982. Applicant: RONALD A. NEVEU, d.b.a. MIDWEST ENTERPRISES REFRIGERATED TRANSPORTATION, 230 East Park, Gilman, IL 60938. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703. *Pallets of paper board, not lined, printed nor corrugated, and made of at least 80% waste between Taylors, SC, on the one hand, and Springfield, TN, Coffeeville, KS, Quincy, IL, and Poplar Bluff, MO, on the other hand. Supporting shipper: Carotell Paper*

Board Corp., P.O. Box 655, Taylors, SC 29687.

MC 152511 (Sub-4-1), filed September 24, 1982. Applicant: PATRICIA WENGLIKOWSKI d.b.a. RENTAL COMPANY, 5404 Hilltop Drive, Bay City, MI 48706. Representative: Mark Wenglikowski, 1311 S. Grant, Bay City, MI 48706. *Food and related products between Bay City, Saginaw, Carrollton, Sebawaing, Corrunna, Caro, Croswell and other points in MI to all points east of the Mississippi River. Supporting shippers: Michigan Sugar Company, 300 Plaza North, P.O. Box 1348, Saginaw, MI 48605.*

MC 152744 (Sub-4-3TA), filed September 27, 1982. Applicant: CITADEL TRANSPORT, INC., 180 North Michigan Ave., Suite 400, Chicago, IL 60601. Representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., 180 North Michigan Ave., Suite 1700, Chicago, IL 60601. *Contract, irregular: Such commodities as are dealt in by manufacturers and distributors of Cheese, cheese products, and food related items, from Marathon, Medford, West Bend, Kiel, Fond du Lac, Green Bay, Monroe, Oshkosh, Ellsworth, Manitowac, and Wisconsin Rapids, WI, to points in Jasper, Newton, Lawrence, and Barry Counties, MO; under continuing contract(s) with Schreiber Foods, Inc., of Green Bay, WI. Supporting shipper: Schreiber Foods, Inc., P.O. Box 610, Green Bay, WI 54305.*

MC 153664 (Sub-4-5TA), filed September 27, 1982. Applicant: DAVID A. LUNDEEN, d.b.a. FARGO FREIGHT TERMINAL & WAREHOUSE, 1445 5th Ave. N, P.O. Box 1828, Fargo, ND 58107. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. *Food and related products between the facilities of Nabisco Brands USA, Inc. in Cook County, IL, on the one hand, and, on the other, points in ND, those points in SD on and north of Interstate Hwy. 90 and those points in MN on and west of U.S. Hwy. 71. Supporting shipper: Nabisco Brands USA, Inc., 7001 South Harlem Avenue, Chicago, IL 60638.*

MC 155022 (Sub-4-7TA), filed September 27, 1982. Applicant: PROCHNOW FARMS, INC., Route 5, Medford, WI 54451. Representative: James A. Speigel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Roofing granules in bulk from Wausau, WI to points in IL, IN, MN, IA and OH. Supporting shipper: 3M Co., 3M Center, St. Paul, MN 55144.*

MC 162610 (Sub-4-3TA), filed September 23, 1982. Applicant: JETM DISTRIBUTION SYSTEMS, INC., 8424 W. 47th St., Lyons, IL 60534.

Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601. *Contract, irregular: Such commodities as are dealt in or used by manufacturers of machinery, between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Goodman Equipment Corporation of Chicago, IL. Supporting shipper: Goodman Equipment Corporation, 4834 Halsted Street, Chicago, IL 60609.*

MC 164002 (Sub-4-1), filed September 27, 1982. Applicant: CLINT BRANDT, d.b.a. BRANDT FARMS, INC., 711 SW Third, Wadena, MN 56482. Representative: Dennis J. Helseth, PO Box 3058, Elbow Lake, MN 56531. Transporting chemicals and related products, (1) between the ports of entry on the International Boundary Line between the U.S. and Canada at points in MN and ND, on the one hand, and, on the other, points in MN and ND; and (2) between points in Richland County, ND on the one hand, and, on the other, points in MN. Supporting shipper: Grant County Fertilizer, Elbow Lake, MN 56531, and Northern Coop Service, Wadena, MN 56482.

MC 164003 (Sub-4-1TA), filed September 27, 1982. Applicant: CASEBIER BULK TRANSPORT CO., INC., 1048 Creekside Drive, Wheaton, IL 60187. Representative: William W. Casebier (same as above). *Ammonium Nitrate* from Beaver Dam, KY and Owensboro, KY to an area in Southern IN bounded on the North by Interstate 70 on the East by Interstate 65 on the South of the Ohio River and on the West by the IL State line. In addition an area in Western KY bounded on the East by US 31 E Highway on the South by the TN State line West by 1-24 and North of the Ohio River. Supporting shipper: Peabody Coal Company, 301 N. Memorial Dr., St. Louis, MO 63166.

MC 6922 (Sub-4-6TA), filed September 29, 1982. Applicant: AMERICAN RED BALL TRANSIT CO., INC., 1335 Sadlier Circle, East Drive, Indianapolis, IN 46239. Representative: John F. Spickelmier, (same address as applicant). Transporting *general commodities (except classes A and B explosives), household goods, and commodities in bulk*, between points in Elkhart, IN on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: American Home Products Corporation, 685 Third Ave., New York, NY 10017.

MC 148023 (Sub-4-2TA), filed October 1, 1982. Applicant: HACKE TRUCKING, INC., 13482 West Wadsworth Road, Waukegan, IL 60087. Representative:

Joel H. Steiner, 135 South LaSalle Street, Suite 2106, Chicago, IL 60603. *Radioactive waste materials*, between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: commonwealth Edison Company, 72 West Adams Street, Chicago, IL 60603.

MC 152080 (Sub-4-4TA), filed September 30, 1982. Applicant: DEPENDABLE CARTAGE AND TRANSPORTATION COMPANY, INC., 2159 West Hastings Street, Chicago, IL 60608. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. (a) *Candy and Confectionary; and (b) Materials, equipment and supplies used or useful in the manufacture, sale and distribution of Candy and Confectionery*; between Chicago, IL and its commercial zone on the one hand, and, on the other, points in the United States. Supporting shipper: Leaf Confectionary, Inc., 1155 North Cicero Avenue, Chicago, IL 60651.

MC 155030 (Sub-4-2TA), filed September 29, 1982. Applicant: BRADLEY TRANSPORTATION, INC., 2203A Lakeside Drive, Bannockburn, IL 60015. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Road, Downers Grove, IL 60515. *General commodities (except classes A & B explosives)* between Chicago IL and points in its commercial zone, on the one hand, and, on the other, points in IL, IN, WI, MI, IA, MN, NE, MO, OH, and KY, restricted to shipments having a prior or subsequent movement by water or rail. Supporting shippers: Cape Line, Ltd, 90 West Street, New York, NY 10006; South African Marine Corp., No. 1 Bankers Trust Plaza, New York, NY 10006; and Barber Steamship, Inc., 1111 East Wacker Drive, Chicago, IL 60601.

MC 159927 (Sub-4-1TA), filed October 1, 1982. Applicant: E & C STATE LINERS, INC., P.O. Box 149, Caledonia, MN 55921. Representative: Joseph L. Hammell, 110 E Main St., Caledonia, MN 55921. *Contract, Irregular, Wood Products*, between Houston County, MN on the one hand and on the other points in KY, TN and IN. Supporting shipper: Staggemeyer Stave Co Inc., rural Route, Caledonia, Houston County, MN 55921.

MC 163202 (Sub-4-2TA), filed September 30, 1982. Applicant: MIDWEST DISTRIBUTION SYSTEMS, INC., 4040 West 40th Street, Chicago, IL 60632. Representative: Carl L. Steiner, 29 South LaSalle Street, Chicago, IL 60603. *Aerosol Cans, Foodstuffs, Steel, and Charcoal Briquettes* between the facilities of FAK Traffic Unlimited, Bolingbrook, IL, on the one hand, and, on the other, Indianapolis, Fort Wayne &

South Bend, IN; Louisville, Burnside & Bowling Green, KY; Detroit, MI; Minneapolis & St. Paul, MN; St. Louis, St. Joseph, Springfield & Kansas City, MO; Cleveland, Columbus, Cincinnati, Toledo & Akron, OH; and Milwaukee, Green Bay & Madison, WI Supporting shipper: FAK Traffic Unlimited, 648 Boughton Road, Bolingbrook, IL 60439.

MC 164021 (Sub-4-1TA), filed September 24, 1982. Applicant: TRANSFER DRIVERS, INC., 508 West Washington Street, South Bend, IN 46601. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Automobiles, trucks, and vans*, between points in the U.S. (except AK and HI) in driveaway service. Supporting shipper: Ryder Truck Rental, Inc., 3600 Northwest 82nd Ave, Miami, FL 33152.

MC 164048 (Sub-4-1TA), filed September 30, 1982. Applicant: G & K TRUCK SERVICE, INC., 8174 Alpine Place, J359, Crown Point, IN 46307. Representative: Andrew K. Light, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Malt beverages and used empty malt beverage containers in return movements*, from Frankenmuth, MI, Memphis, TN and La Crosse, Milwaukee and Monroe, WI to Lake County, Marion, and South Bend, IN and Dowagiac, MI. Supporting shippers: Sunnyside Beverage, Inc., 1340 S. Bend Ave., IN.; Four-D beverages, Inc., 51780 M-51 North., Dowagiac, MI; DeLock's Dosepoint Liquor, 1413 Indianapolis Boulevard, Whiting, IN and Marion Distributing Co., 637 Lincoln Boulevard, Marion IN.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 2392 (Sub-5-10TA), filed September 30, 1982. Applicant: WHEELER TRANSPORT SERVICE, INC., P.O. Box 14248, West Omaha Station, Omaha, NE 68124. Representative: Robert R. Harris, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Foundry core compounds, resin solution, corrosive liquids, and materials, equipment and supplies, in bulk in tank vehicles*, between Muse, PA, on the one hand, and, on the other, points in AL, CA, CT, GA, IA, IL, IN, KY, LA, MD, MA, MI, MN, MO, NJ, NY, OH, OK, TN, TX, and VA. Supporting shipper: C. E. Cast Products, Division Combustion Engineering Inc., Muse, PA 15350.

MC 47583 (Sub-5-18TA), filed September 30, 1982. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine

Road, Kansas City, KS 66115. Representative: Pamela J. Clayton (same address as applicant). Contract, irregular: *General commodities (except in bulk, classes A and B explosives and household goods as defined by the Commission)* between points in the U.S. (except AK and HI), under continuing contracts with the Phillips Petroleum Company and its wholly owned subsidiaries. Supporting shipper: Phillips Petroleum Company Bartlesville, OK.

MC 67234 (Sub-5-29), filed October 1, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. *General commodities (except classes A and B explosives and commodities in bulk)*, between points and places in the U.S. (excluding AK and HI), under continuing contract(s) with Employee Transfer Corporation. Supporting shipper: Employee Transfer Corporation, 20 North Wacker Drive, Chicago, IL 60606.

MC 78644 (Sub-5-2TA), filed September 27, 1982. Applicant: COPPES TRANSFER, INC., Box 718, Yarmouth, IA 52660. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Lawn and garden machinery and accessories* from Coffeyville, KS, Kankakee, IL and Coatsville, IN to Omaha, NE and Crawfordville, IA. Shipper: Enterprises, Inc. Crawfordville, IA 52621.

MC 114028 (Sub-5-10TA), filed September 27, 1982. Applicant: ROWLEY INTERSTATE TRANSPORTATION CO. INC., 2010 Kerper Blvd., Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Paper and paper products*, between Dubuque, IA, on the one hand, and, on the other, Normal and Virden, IL. Supporting shipper: Wm. C. Brown Publishers, 2460 Kerper Blvd., Dubuque, IA 52001.

MC 117832 (Sub-5-2TA), filed September 30, 1982. Applicant: BILL BRUTON, d.b.a. TRI-WESTERN EXPRESS, No. 8 Westwood Lane, Little Rock, AR 72204. Representative: Bill Bruton (same as applicant). *Building materials, including paint and floor coverings; material handling equipment, including steel shelving; plumbing supplies and fixtures; farm equipment and Accessories*; between AR, AL, LA, MS, TN AND TX. Supporting shippers: Action Material Handling or Ark., Inc., North Little Rock, AR; Allied Supply Inc., Little Rock, AR; Pulaski Equipment Co., North Little Rock, AR; Franklin Paint Co., Inc., Little Rock, AR; and

Handling Equipment Corporation, North Little Rock, AR.

MC 128075 (Sub-5-5TA), filed September 27, 1982. Applicant: JOHNSRUD TRANSPORT, INC., 5301 N.E. 17th Street, Des Moines, IA 50313. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract; irregular. *Vegetable oils*, from Hodgkins, IL to Cedar Rapids, Des Moines and Waverly, IA, under contract with PVO International, Inc. Supporting shipper: PVO International, Inc., 1145 Harbour Way South, Richmond, CA 94804.

MC 134780 (Sub-5-1TA), filed September 27, 1982. Applicant: United Truck Service, Inc., P.O. Box 1276, Seminole, OK 74868. Representative: Dean Williamson, Suite 107, 50 Classen Center, 5101 North Classen Blvd., Oklahoma City, OK 73118. *Bentonite*, From Upton, WY to Seminole, OK. Supporting shipper: Scott Mud Service, Inc., P.O. Box 1488, Seminole, OK 74868.

MC 135763 (Sub-5-1TA), filed September 29, 1982. Applicant: ARKANSAS LOUISIANA LIMESTONE CORPORATION, P.O. Box 70, Foreman, AR 71836. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. Contract, Irregular. *Cement and sand, in bulk*, between all points in the U.S. (except AK and HI), under continuing contracts with Arkansas Cement Corporation. Supporting shipper: Arkansas Cement Corporation, P.O. Box 751, Little Rock, AR 72203.

MC 141914 (Sub-5-23TA), filed September 27, 1982. Applicant: Franks & Son, Inc., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same as applicant). *Pet feed, raw materials, ingredients, supplies, and materials used in the manufacture thereof* between points in CA, IA, IL, MO & VA, on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper: Doane Products Company, P.O. Box 879, Joplin, Mo 64801.

MC 145925 (Sub-5-4TA), filed September 27, 1982. Applicant: TRANS CONTINENTAL LEASING, LTD., 8920 Pershall Road, Hazelwood, MO 63042. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract, Irregular; *Non-exempt Food or Kindred Products* between points and places in the U.S. (except AK and HI) under continuing contract(s) with Lamb-Weston. Supporting shipper: Lamb-Weston, 6600 S.W. Hampton Street, P.O. Box 23517, Portland, OR 97233.

MC 145925 (Sub-5-5TA), filed September 27, 1982. Applicant: TRANS CONTINENTAL LEASING, LTD., 8920 Pershall Road, Hazelwood, MO 63042. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. *General Commodities (except Classes A and B explosives, household goods and commodities in bulk)* between points and places in the U.S., except AK and HI under continuing contract(s) with Blue Bird Baking Co. Supporting shipper: Blue Bird Baking Co., 521 Kiser Street, Dayton, OH 45404.

MC 146442 (Sub-5-7TA), filed September 28, 1982. Applicant: CLEARFIELD TRANSPORTATION CO., INC., 5th & Pine Street, Clinton, MO 64735. Representative: Mark J. Andrews, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Contract; irregular: *Food and related products*, between points in the U.S. (except AK and HI), under continuing contracts with (1) Mid-America Dairymen, Inc. of Springfield, MO, and (2) Clearfield Cheese Co., a partnership, of Curwensville, PA. Supporting shippers: Mid-America Dairymen, Inc., Springfield, MO 65805; Clearfield Cheese Co., Curwensville, PA 16833.

MC 146442 (Sub-5-7TA), filed September 28, 1982. Applicant: CLEARFIELD TRANSPORTATION CO., INC., 5th & Pine Street, Clinton, MO 64735. Representative: Mark J. Andrews, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Contract; irregular: *Food and related products*, between points in the U.S. (except AK and HI), under continuing contracts with (1) Mid-America Dairymen, Inc. of Springfield, MO, and (2) Clearfield Cheese Co., a partnership, of Curwensville, PA. Supporting shippers: Mid-America Dairymen, Inc., Springfield, MO 65805; Clearfield Cheese Co., Curwensville, PA 16833.

MC 148319 (Sub-5-4TA), filed September 27, 1982. Applicant: ELLIS B. STOFLE, d.b.a. STOFLE TRUCKING, P.O. Box 42, Hwy 377 and 121, Tioga, TX 76271. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Food and related products*, between points in TX, OK, AR, LA and CO, on the one hand, and, on the other, points in the U.S., except AK & HI. Supporting shipper(s): Glazer's Wholesale Drug Co., Inc., Dallas, TX, American Packing Co., Inc., Durant, OK, H Bar K Meat, Ft. Worth, TX.

MC 148437 (Sub-5-8TA), filed October 10, 1982. Applicant: BORK TRANSPORT, INC., 600 S.E. 18th Street, Des Moines, IA 50317. Representative: William L. Fairbank, 2400 Financial

Center, Des Moines, IA 50309. *Kerosene*, from St. Paul, MN and Chicago, IL, to points in IA. Supporting shipper(s): West Liberty Oil Company, West Liberty, IA 52776; Bro Oil Company, Inc., Des Moines, IA 50311.

MC 149157 (Sub-5-9TA), filed September 27, 1982. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. Contract: irregular. *Such merchandise as is dealt in, or used by, home furnishings outlets*, from Los Angeles and San Francisco, CA, Phoenix and Mesa, AZ, Boston, MA, Portland, OR, Seattle, WA, New York City, NY, and points in NC and VA, to, Lakewood, CO, Indianapolis, IN, Lenexa, KS, Jefferson, LA, St. Paul and Burnsville, MN, Hazelwood, MO, Springdale, Dayton and Columbus, OH, Oklahoma City, OK, Memphis, TN, Dallas, Ft. Worth, Austin, El Paso, Houston, San Antonio and Mesquite, TX, and Salt Lake City, UT. Supporting shipper: Levitz Furniture Corporation, 1317 N.W. 167th St., Miami, FL 33169.

MC 149199 (Sub-5-11TA), filed September 27, 1982. Applicant: FRONTIER EXPRESS, INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 S.W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 North Chocataw, P.O. Box 1124, El Reno, OK 73036. *Valves, regulators and related parts, and materials, equipment and supplies used in the manufacture and distribution thereof (except bulk commodities)*; between the facilities of Grove Valve and Regulator Company at Sparks, NV and Oakland, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Grove Valve and Regulator Company, 625 Greg Street, Sparks, NV 89431.

MC 149244 (Sub-5-6TA), filed September 27, 1982. Applicant: PEAKE, INC., 2022 Avenue "A", Kearney, NE 68847. Representative: Kenneth L. Kessler, Attorney, P.O. Box 855, Des Moines, IA 50304. (1) *Clay, concrete, glass and stone products* between points in IA, on the one hand, and, on the other, points in the U.S. (except AK and HI) and (2) *petroleum products* from MN and OK to points in NE. Supporting shippers: Sioux City Brick and Tile, Sioux City, IA, and Milder Oil Company, Omaha, NE.

MC 151209 (Sub-5-7TA), filed September 30, 1982. Applicant: GULF WESTERN EXPRESS, INCORPORATED, Highway 1 South, Natchitoches, LA. 71457. Representative: John Williams, Highway 1 South,

Natchitoches, LA. 71457. Contract: Irregular. *Floor coverings, material, equipment supplies used in the insulations, manufacturing, packing, and sales*, between facilities of Bigelow-Sanford, Inc. in GA, SC, and NV on one hand and points in the US on the other hand. Supporting shipper: Bigelow-Sanford, Box 3089, Greenville, SC 29602.

MC 151915 (Sub-5-2TA), filed September 27, 1982. Applicant: KELWORTH TRUCKING COMPANY, INC., Hwy 59 South, Hodgen, OK 74939. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. *Calcium Carbonate (Limestone)*, between points in the states of AR, KS, LA, MS, MO, OK and TX. Supporting shipper: Arkansas Lime Company and Texas Lime Company, P.O. Box 851, Cleburne, TX 76031.

MC 152378 (Sub-5-2TA), filed September 30, 1982. Applicant: RAIL-HIGHWAY TRANSPORTATION COMPANY, a division of AJF WAREHOUSE DISTRIBUTORS, INC., 11960 Westline Industrial Drive, Suite 330, St. Louis, MO 63141. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, D.C. 20036. Contract: irregular. *Food and related products*, between points in San Joaquin County, CA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO and NM, under continuing contract(s) with Heinz USA, a Division of the H. J. Heinz Company. Supporting shipper: Heinz USA, a division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 161586 (Sub-5-2TA), filed September 29, 1982. Applicant: JACK GREESON, d.b.a. GREESON TRUCKING, 304 North 8th Street, Midlothian, TX 76065. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Corrugated paper boxes* from Arlington, TX to Alamogordo, NM. Supporting shipper(s): Packaging Corporation of America, 1001 113th Street, Arlington, TX 76011.

MC 162723 (Sub-5-1TA), filed September 29, 1982. Applicant: TERRY SIEGEL, d.b.a. C-GULL EXPRESS, P.O. Box 728, Minerals Wells, TX 76067. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. *Plastic products*, between Parker County, TX and points in the U.S. (except AK and HI). Supporting shipper: Mastersfield, Inc., 1202 N. Bowie Dr., Weatherford, TX 76086.

MC 163169 (Sub-5-1TA), filed September 28, 1982. Applicant: RYAN SERVICES, INC., P.O. Box 348, El Campo, TX 77437. Representative: Deborah Lewis (same as applicant).

Contract; Irregular. *Pipeline boring machinery* between all points in TX, LA, AK, OK and MS. Supporting shipper: Baker Energy Resources Corp., 9898 Bissonnet, Suite 560, Houston, TX 77036.

MC 163372 (Sub-5-5TA), filed September 28, 1982. Applicant: TRANS-CARRIERS, INC., 1013 Camelot Cove, West Memphis, AR 72301. Representative: R. Connor Wiggins, Jr., 100 North Main Bldg., Suite 909, Memphis, TN 38103. *Proprietary drugs, pharmaceuticals, toilet articles, paper products, health care articles and cosmetics, and materials and supplies used in the manufacture and distribution thereof* between facilities utilized by Schering-Plough Corp. and its affiliates and subsidiaries at or near Memphis, TN and Little Rock, AR, on the one hand, and, on the other, points in IL, NJ, NY, MS, OH, TN, GA, AL, IN, VA, TX, NC, SC, PA, WV, KY, LA, OK, KS, CO, and NM. Supporting shipper: Schering-Plough Corp., 3030 Jackson Avenue, Memphis, TN 38151.

MC (Sub-5-4TA), filed September 27, 1982. Applicant: NATIONAL FREIGHT SYSTEM, INC., 2305 Oak Lane No. 115, Grand Prairie, TX. 75051. Representative: Stephen W. Mitchell (same as applicant). *General Commodities (Except Used Household Goods, Class A & B Explosives and Commodities in Bulk)*, Between AR, LA, OK, TN and TX on the one hand, and, on the other, points in the continental United States. Supporting shipper(s): 47 supporting shippers.

MC 163663 (Sub-5-1TA), filed October 1, 1982. Applicant: ERVIN D. HUIZENGA, d.b.a. HUIZENGA TRANSPORTATION, Rural Route 2, Orange City, IA 51041. Representative: D. Douglas Titus, 340 Insurance Exchange Building, Sioux City, IA 51101. *Metal products and machinery* between points in IL, IN, IA, MI, MN, MS, MO, NE, OH, and SD. Supporting shippers: 7.

MC 163719 (Sub-5-1TA), filed September 28, 1982. Applicant: BILLY E. WOODBURY, d.b.a. W-W TRUCKING CO., 3619 South 17th Street, St. Joseph, MO 64503. Representative: Ralph W. Hicks, Pope, Nichols, Burns & Hicks, Commerce Bank Building, 5th & Edmond Streets, St. Joseph, MO. 64501. Contract: Irregular. *Paper products, supplies and materials used in their manufacture*, between St. Joseph, MO on the one hand, and, on the other, Eagan, MN and Garland, TX, and their commercial zones. Supporting shipper: Mead Products Co., 11th & Mitchell, St. Joseph, MO.

MC 164017 (Sub-5-1TA), filed September 30, 1982. Applicant: HOUSBY

FREIGHT SYSTEMS CORP., 4733 NE 14th Street, Des Moines, IA. Representative: Charles A. Coppola, 4900 University Avenue, Suite 101, Des Moines, IA. Contract: Irregular. *Paper and plastic bags and containers, and materials used in the manufacturing thereof.* Between Des Moines, IA on the one hand, and, on the other, all points in the U.S. Supporting shipper: Great Plains Bag Corporation, 2201 Bell Avenue, Des Moines, IA 50321.

MC 164022 (Sub-5-1TA), filed September 29, 1982. Applicant: JAMES D. ALLEN AND BETTY L. ALLEN, d.b.a. ALLEN HOT SHOT SERVICE, 510 Washington St., NE, P.O. Box 666, Camden, AR 71701. Representative: Ralph Goza, Attorney at Law, Rt. 2, Box 85 A, Stephens, AR 71764. Contract: Irregular. *General commodities in shipments not exceeding 15,000 pounds,* between points in Camden and East Camden, Ouachita and Calhoun Counties, AR, and points in the U.S. Supporting shippers: (1) International Paper Company, Camden, AR; (2) The Hurley Company, Inc., Camden, AR; (3) Vought Corporation, East Camden, AR; (4) Welsh Southwest Plywood, East Camden, AR.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 164051 (Sub-6-1TA), filed September 30, 1982. Applicant: ALASKA LOGISTICS, INC., 601 Yakutat St., Anchorage, AK 99501. Representative: Robert L. Scavron, 3661 Burl Court, Anchorage, AK 99504. *General Commodities, except household goods, Class "A" and "B" explosives, commodities in bulk and commodities which because of size, shape or weight require the use of special equipment,* between all points and places in AK, for 270 days. Supporting shipper(s): Their are eight (8) shippers. Their statements may be examined at the regional office listed.

MC 163303 (Sub-6-1TA), filed September 27, 1982. Applicant: ORVILLE McMILLIN, d.b.a. COAST VANNING, P.O. Box 93, Sumner, WA 98390. Representative: Kenneth R. Mitchell, 2320A Milwaukee Wy, Tacoma, WA 98421. *Horses, including race or show horses, and accompanying equipage and tack,* between points in CA, OR, and WA, for 270 days. An underlying ETA seeks 120 days authority. There are five (5) supporting shippers. Their statements may be examined at the regional office listed.

MC 156825 (Sub-6-2TA), filed September 27, 1982. Applicant: DON HART, d.b.a. HART TRANSPORTATION CO., 10611 Potter Circle, Villa Park, CA 92667. Representative Don Hart (same address as applicant). *Contract Carrier, irregular routes: New and used construction Machinery and equipment,* between points in the U.S. (excluding AK and HI) for the accounts of (1) G. Warren Hassler (2) Richard P. Murray Company, Inc. (3) Saguaro Machinery Company for 270 days. Supporting shipper(s): (1) G. Warren Hassler, 2188 Ponet Drive, Los Angeles, CA 90028 (2) Richard P. Murray Company, Inc., P.O. Box G, Chandler, AZ 85224 (3) Saguaro Machinery Company, 5302 E Pecos Rd, Chandler, AZ 85224.

MC 16405 (Sub-6-1TA), filed September 30, 1982. Applicant: LLOYD MOURNING, d.b.a. LCM TRANSPORT, E. 11401 Alki, Spokane, WA 99206. Representative: (same as applicant). *Iron and steel articles, lumber and lumber products, building materials, and scrap autos and parts, and used auto parts and scrap batteries,* between points in CA, ID, MT, NV, OR, UT and WA for 270 days. Supporting shippers: American Recycling Coop, P.O.B. 11337, Parkwater Station, Spokane, WA; Aqua Therm, N. 3517 Pit Rd., Spokane, WA; Pasco Building System, 52674 Garfield Rd., Spokane, WA.

MC 116808 (Sub-6-1TA), filed September 30, 1982. Applicant: MALLORY TRUCK LINES, INC., 1115 Conant, Burley, ID 83318. Representative: Gary Mallory, Route 1, Box 3, Declo, ID 83323. *Coal, chemicals and related products and minerals,* between points in ID, on the one hand, and, on the other, points in ID, NV, UT and WY, for 270 days. Supporting shipper: Cassia County Schools, 237 East 19th, Burley, ID 83318.

MC 157369 (Sub-6-2TA), filed September 27, 1982. Applicant: ROLL OUT PRODUCTIONS, INC., 11477 Vanowen, Hollywood, CA 91605. Representative: Jerry Rappaport, 16530 Ventura Blvd., No. 208, Encino, CA 91436. *Contract Carrier: irregular routes: Theatrical equipment, materials and supplies used in the operation and maintenance of itinerant theatrical, stage, and television show productions or exhibitions,* between points in the U.S., under continuing contract(s) with Quarterline Productions, Inc., of Los Angeles, CA, for 270 days. Supporting shipper: Quarterline Productions, Inc., 11477 Vanowen, North Hollywood, CA 91605.

MC 164049 (Sub-6-1TA), filed September 30, 1981. Applicant: HAI

VAN TRAN, d.b.a., ROSE'S TOURS, 1073 S. Saratoga Ave., Ste E, San Jose, CA 95129. Representative: Hai Van Tran, (same as applicant). *Passengers and their baggage in special and charter operations* between San Jose, and Oakland, CA, Reno, Sparks, and Stateline, NV, for 180 days. An ETA seeks 120 days authority. Supporting shippers: There are 7 shippers. Their statements may be examined in the office listed above.

MC 151386 (Sub-6-2TA), filed September 25, 1982. Applicant: COLDRIE CORPORATION, d.b.a., S&J TRUCKING AND LEASING CO., 2041 E Vernon Ave., Vernon, CA 90058. Representative: Harold D. Samson, (same address as applicant). *Fresh, chilled and frozen products, Viz: Pies, Bakery Goods, prepared foods, meats, fish and foodstuffs* between points in CA and points in CO, ID, MT, NM, NV, OR, TX, UT, WA and WY for 270 days. Supporting shipper(s): (1) McCoy Meats, 3386 E. Vernon Ave., Los Angeles, CA 90058; (2) Consolidated Pacific Brands, Inc., 2200 W. Artesia Blvd., Compton, CA 90220; (3) Galletti Brothers Foods, 1729 E. 21st St., Los Angeles, CA 90058.

MC 151878 (Sub-6-4TA), filed September 27, 1982. Applicant: THREE WAY CORPORATION, 1120 Karlstad Dr., Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th St., N.W., Suite 800, Washington, D.C. 20036. *Contract, irregular; general commodities (except Classes A and B explosives and commodities in bulk)* between points in the U.S. under continuing contract with Amdahl Corporation, for 270 days. Supporting shipper(s): Amdahl Corp., 1250 E. Arques Ave., Sunnyvale, CA 94086.

MC 153480 (Sub-6-3TA), filed September 30, 1982. Applicant: RICHARD P. WARD, d.b.a., WARD DISTRIBUTING COMPANY, P.O. Box 713, Alamosa, CO 81101. Representative: Jean Paul Jones, P.O. Box 1034, Alamosa, CO 81101. *Malt beverages and related advertising materials and empty used beverage containers and materials and supplies used in and dealt with by breweries from, to, or between the following points: Longview, TX to all points in CO, for 270 days.* Supporting shipper: High Country Sales, Inc., 4110 High Country Road, Colorado Springs, CO 80907.

MC 134548 (Sub-6-5TA), filed September 27, 1982. Applicant: ZENITH TRANSPORT, LTD., 2381 Rogers Ave., Coquitlam, B.C., CN V3K 5Y2. Representative: Michael D. Duppenthaler, 211 S. Washington St.,

Seattle, WA 98104. *Pulp, Paper and Related Articles*, between ports of entry on the International Boundary Line between the U.S. and CN in WA, ID, and MT, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, UT, NM, AZ, and NV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Powell River-Albemi Sales Corp., 1415 5th Ave., Seattle, WA 98171.

MC 164059 (Sub-6-1TA), filed October 1, 1982. Applicant: DONALD MASON DOWNS, 1131 Delphinium Drive, Billings, MT 59102. Representative: (same as applicant). *Contract carrier*, irregular route; *Repossessed autos and trucks*, between points in the U.S. and AK (except HI) for 270 days. Supporting shipper: Ford Motor Credit Corp., Box 1576, Billings, MT 59103.

MC 138977 (Sub-6-1TA), filed October 1, 1982. Applicant: EDWARD W. SKINNER, JR., d.b.a., SKINNER TRUCKING, P.O.B. 709, Twin Falls, ID 83301. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Foodstuffs*, from the facilities of Idaho Frozen Foods, Inc., at or near Twin Falls, ID to Clearfield, UT, for 270 days. Supporting shipper(s): Idaho Frozen Foods, Inc., P.O.B. 128, Twin Falls, ID 83301.

MC 164058 (Sub-6-1TA), filed October 1, 1982. Applicant: W. S. DEANE TRUCKING, 32411 124th St. S.E., Sultan, WA 98294. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055. *Contract carrier*, irregular routes: *malt beverages*, from Los Angeles and Fairfield, CA, on the one hand, and, on the other, to Snohomish County, WA, for the account of Crown Distributing Co., Inc., for 270 days. Supporting shipper: Crown Distributing Co., Inc., 3409 McDougall, Everett, WA 98201.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-27847 Filed 10-12-82; 8:45 am]
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[Volume No. 301]

Motor Carriers; Permanent Authority Decisions; Restriction Removals

Decided: October 5, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any

applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Canadian Carrier Applicants: In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC-157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority*.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Williams, and Higgins.

Agatha L. Mergenovich,
Secretary.

MC 16503 (Sub-14)X, filed September 27, 1982. Applicant: GUDEX TRUCKING, INC., P.O. Box 359, Shawano, WI 54166. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. Lead permit: Broaden (1) canned goods and fresh meats to "food and related products"; hardware to "such merchandise as is dealt in by wholesale, retail and chain hardware stores"; and groceries to "such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses"; and (2) to "between points in the United States (except Alaska and Hawaii)" under continuing contract(s) with unnamed shippers.

MC 64189 (Sub-14)X, filed September 27, 1982. Applicant: TOPLIFF TRUCK LINE, INC., 746 N. Santa Fe Street, Salina, KS 67401. Representative: Charles M. Williams, 1600 Sherman St., No. 665, Denver, CO 80203. Sub 13: (a) Broaden to "general commodities" from general commodities (except those of

unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (2) allow service at all intermediate points, and (3) broaden the off-route point of Enterprise, KS to Dickinson County, KS. Applicant presently holds authority to transport nitroglycerine and other classes A and B explosives.

MC 104523 (Sub-85)X, filed September 24, 1982. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501-2028. Sub-79F: Remove the originating at or destined to facilities restriction and change territorial description to "between the facilities of Color Tile Supermart, Inc., of Fort Worth, TX, at points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

MC 104523 (Sub-86)X, filed September 24, 1982. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501-2028. Sub-78F: Broaden to: (1) "rubber and plastic products", "metal products", "chemicals and related products", and "clay, concrete, glass or stone products" from plumbers' goods and materials and supplies used in the manufacture of plumbers' goods; (2) remove commodities in bulk restriction; (3) remove facilities limitation at named points and "originating at/designed to" restriction; (4) broaden cities to county-wide territory: Phoenix, AZ to points in Maricopa County, AZ; Redlands, CA to points in San Bernardino County, CA; Monroe and Union Point, GA to points in Walton and Greene Counties, GA; Crawfordsville and Rensselaer, IN to points in Montgomery and Jasper Counties, IN; Ottumwa, IA to points in Wapello County, IA; Salem OH to points in Columbiana County, OH; New Castle, PA to points in Lawrence County PA; and Corsicana and Hondo, TX to points in Navarro and Medina Counties, TX.

MC 106958 (Sub-6)X, filed September 23, 1982. Applicant: KUPPER BROS., INC., Victory Circle, South Amboy, NJ 08879. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York NY 10048. Lead and Sub-2 permits: broaden to (1) "chemicals and related products" from coppers, in bulk, in dump trucks and rejected shipments of the above commodities, lead: "metal products" from baled scrap iron, in dump trucks, Sub-2; (3) "between points in the United States (except

Alaska and Hawaii", under continuing contracts in both Subs.

MC 138415 (Sub-27)X, filed September 17, 1982. APPLICANT: TRAILER EXPRESS, INC., P.O. Box 327, Topeka, IN 46571. Representative: Paul D. Borghesani, 300 Communicana Building, 421 South Second St., Elkhart, IN 46516. Sub-Nos. 1, 3, 4, 7, 8, 11, 14, 16, 17F, 19F, 21F, and 22 permits: (1) broaden commodities to (a) "transportation equipment," from boats (Sub 1), camping trailers and travel trailers (Sub 3), motor homes and camping trailers (Sub 7), motor homes (sub 8), camping trailers, travel trailers and truck campers (Sub 11), camping trailers (Sub 14), motor homes, camping trailers and vans (Sub 16), truck campers and camping trailers (Sub 17), and canoes (Sub 19); (b) "metal products, building materials, rubber and plastic products, chemicals and related products, transportation equipment and machinery," from iron and steel articles, aluminum and aluminum fasteners, resins, solder, paints, boats, livestock tanks, livestock watering equipment, livestock feeders, and trailers designed to be drawn by passenger automobiles (Sub 4); (c) "metal products, building materials and machinery," from flexible duct, insulation, and heating and air conditioning equipment (Sub 21); and (d) "buildings and transportation equipment," from mobile homes and buildings, in sections (Sub 22); (2) remove, in Subs 4 and 8, restrictions to initial movements in driveway service and against commodities in bulk; and (3) broaden to "between points in the U.S. (except AK and HI)" under contract(s) with the named shippers, in all permits.

MC 147996 (Sub-3)X, filed September 28, 1982. Applicant: BRUCE WARD TRUCKING COMPANY, P.O. Box 105, Fort Calhoun, NE 68023. Representative: James F. Crosby & Associates, Suite 210B, 7363 Pacific Street, Omaha, NE 68114. Sub-2F certificate: (1) broaden to "food and related products, and chemical and related products," from meats, meat products and by-products, and articles distributed by meat packing-houses; (2) delete the restriction against transportation of "hides and commodities in bulk;" (3) change one-way authority to radial authority; and (4) broaden facilities location at Norfolk, NE to countywide authority: Madison, Stanton, Pierce and Wayne Counties, NE.

MC 149516 (Sub-2)X, filed September 27, 1982. Applicant: OTC TRANSPORT CORPORATION, 2307 Oregon St., Oshkosh, WI 54901. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. MC 147967 Sub-2 permit: (1) Broaden trucks, truck

tractors, and truck chassis to "transportation equipment;" (2) eliminate the restriction to initial movements, in driveway services; and (3) broaden the territory to "between points in the United States" under continuing contract(s) with named shipper.

[FR Doc. 82-28084 Filed 10-12-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days

from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries about the following to Team 1, (202) 275-7992.

Volume No. OPI-177

Decided: October 5, 1982.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier. Member Chandler not participating.

MC 155051 (Sub-2), filed September 27, 1982. Applicant: COATS & CLARK SALES CORPORATION, 2915 Northeast Parkway, Doraville, GA 30340. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477-1525. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 163791 (Sub-1), filed September 27, 1982. Applicant: SONS TRANSPORTATION CO., INC., 3 Waring Circle, Worcester, MA 01609. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236-5944. Transporting *general commodities*, between Lisman, LaGrange, Pedro and Royersville, OH, and Chauncey, NY, on the one hand, and, on the other, points in the U.S. Condition: The certificate to be issued to the extent it authorizes the transportation of explosives, will be conditioned to expire 5 years from its

date of issuance, subject to extension upon appropriate petition.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 163961, filed September 22, 1982. Applicant: DAVID SARE, d.b.a., FRENCHPOL TRUCKING, 120 Portola Drive, San Francisco, CA 94131. Representative: David Sare, (same address as applicant), (415) 282-6029. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 163991, filed September 24, 1982. Applicant: HAROLD W. ARNOLD, d.b.a., AAA LEASING, R.D. 1 Box 340, Rosendale, NY 12472. Representative: Harold W. Arnold, (same address as applicant), (914) 658-9462. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164010, filed September 27, 1982. Applicant: WISCONSIN FREIGHT SERVICES, 4369 South Howell Ave., Milwaukee, WI 53207. Representative: Daniel G. Kaul, (same address as applicant), (414) 483-4555. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Please direct status inquiries about the following to Team 2 (202) 275-7030.

Volume No. OP2-248

Decided: October 1, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. Member Chandler, not participating.

MC 138522 (Sub-6), filed September 24, 1982. Applicant: R. G. STANKO EXPRESS, INC., P.O. Box 127, Gering, NE 69341. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (2) transporting *shipments weighing 100 pounds or less* if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 155533 (Sub-2), filed September 27, 1982. Applicant: TRIANGLE TRUCKING, INC., 5732 West Maryland, Glendale, AZ 85311. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264-4891. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP2-252

Decided: October 4, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. Member Chandler not participating.

MC 163982 filed September 24, 1982. Applicant: R. GARY TRUCKING, 9002 10th Pl. S.E., Everett, WA 98205. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, 206-228-3807. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except HI).

Volume No. OP2-254

Decided: October 5, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. Member Chandler not participating.

MC 164042, filed September 30, 1982. Applicant: LARRY LEROY ARCHER, d.b.a., LARRY ARCHER TRUCKING, 4355 W. 94th Ave., Westminster, CO 80030. Representative: Larry Leroy Archer, (same address as applicant), 303-427-3978. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-28065 Filed 10-12-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under

49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions), we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those

were service is for a named shipper "under contract."

Please direct status inquiries about the following to Team 1 (202) 275-7992.

Volume No. OP1-178

Decided: October 5, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. Member Chandler, not participating.

FF 620, filed September 28, 1982.

Applicant: C&H FORWARDING CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227-9989. Representative: Thomas E. James (same address as applicant), (214) 288-3305. As a *freight forwarder*, in connection with the transportation of *general commodities* (except household goods), between points in the U.S.

MC 10881 (Sub-8), filed September 24, 1982. Applicant: DALE MEYER TRUCKING CO., P.O. Box 3548, Odessa, TX 79760. Representative: Richard Hubbert, 1313 Broadway, P.O. Box 10236, Lubbock, TX 79408; (806)-763-9555. Transporting *Mercer commodities*, between points in TX and OK, on the one hand, and, on the other, points in ND, SD, WY, NV, MT, and AZ.

MC 26120 (Sub-12), filed September 24, 1982. Applicant: GEORGE L. HOOKER, INC., Tuscarawas Rd., Uhrichsville, OH 44683. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *such commodities*, as are dealt in or used by wholesale grocery stores, between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 47171 (Sub-223), filed September 27, 1982. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant), (803) 879-2102. Transporting *general commodities*, (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Charlotte Freight Association, of Charlotte, NC.

MC 62541 (Sub-1), filed September 27, 1982. Applicant: LAW TRANSIT LINES, INC., P.O. Box 351, 701 No. 30th Street, Herrin, IL 62948. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *general commodities*, (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343 or

submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 2379.

MC 134060 (Sub-20), filed May 6, 1982, previously published in the *Federal Register* on May 24, 1982. Applicant: DONAM-MARPOLE TRANSPORT, LTD., 435 Trunk Rd., Duncan, B.C. Canada V9L 2P8. Representative: Henry C. Winters, 12600 SE 38th St., Suite 200, Bellevue, WA 98006, (206)-644-2100. Transporting *general commodities*, (except classes A and B explosives and household goods), between ports of entry on the International Boundary Line between the U.S. and Canada located in ID, MT, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

Note.—The purpose of this republication is to correct the commodity description.

MC 146320 (Sub-7), filed September 27, 1982. Applicant: CHARLES A. STOECKLER, INC., 3 Spring St., Wilkes-Barre, PA 18703. Representative: Raymond A. Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *such merchandise as is dealt in or used by retail department stores*, between points in the U.S. (except AK and HI).

MC 148000 (Sub-10), filed September 27, 1982. Applicant: C. H. DREDGE & CO., INC., 918 S. 2000 W., Syracuse, UT 84041. Representative: Bruce W. Shand, Suite 280, 311 S. State St., Salt Lake City, UT 84111. Transporting *printed matter*, between points in the U.S. (except AK and HI), under continuing contract(s) with Wallace Business Forms, of Marlin, TX.

MC 149100 (Sub-19), filed September 23, 1982. Applicant: JIM PALMER TRUCKING, 9730 Derby Drive, Missoula, MT 59801. Representative: John T. Wirth, 2600 Petro-Lewis Tower, 717—17th St., Denver, CO 80202-3357 (303)-892-6700. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with General Tire & Rubber Company, of Akron, OH.

MC 151741 (Sub-7), filed September 24, 1982. Applicant: D. E. WILLOUGHBY TRUCKING, 2058W Carr Hill Road, Columbus, IN 47201. Representative: Sue C. Willoughby (same address as applicant), (812)-372-8493. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in

the U.S., under continuing contract(s) with Universal Flavor Corporation, of Indianapolis, IN.

MC 151951 (Sub-1), filed September 27, 1982. Applicant: TACOMA HAULING CO., INC., 19060 Frager Rd., Kent, WA 98031. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206)-624-2832. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in WA, OR, CA, ID, MT, NV, AZ, UT, CO, WY, NM and TX.

MC 152621 (Sub-9), filed September 28, 1982. Applicant: RUSH TRANSPORT, INC., Route 131, 163 Main St., Sturbridge, MA 01566. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Cross Country Brokers, Inc., of Sturbridge, MA.

MC 156800 (Sub-6), filed September 24, 1982. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Raymond Talipski, 121 S. Main Street, Taylor, PA 18517, (717) 344-8030. Transporting *general commodities* (except classes A and B explosives, households goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (a) General Electric Co., Housewares and Audio Business Division, of Bridgeport, CT, and (b) Keeler & Long Inc., of Watertown, CT.

MC 161710, filed September 27, 1982. Applicant: NOSS TRUCKING, INC., Rt. 1, Box 57, Clarksburg, CA 95612. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95207, (209) 957-6128. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (a) American Crystal Sugar Company, of Moorhead, MN and (b) Saroni Sugar and Rice, of Oakland, CA.

MC 162731, filed September 27, 1982. Applicant: SUN-DOWN OF HUTCHINSON, 117 First Ave., N.E., Hutchinson, MN 55350. Representative: Larry Jensen, 329 East Highway 12, Litchfield, MN 55355, (612)-693-2454. Transporting *power cement, fly ash, and silica sand*, between points in McLeod, Kaniyohi, Meeker, Douglas, Stearns, Olmsted, Wright, Hennepin, Sibley, Renville and Blue Earth Counties, MN, on the one hand, and, on the other, points in Columbia and Douglas

Counties, WI and Cerro Gordo County, IA.

MC 163411, filed September 27, 1982. Applicant: MARK ASHLEY, d.b.a. AB CARTAGE, 823 N. 2nd St., Apt. 602, Milwaukee, WI 53203. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *steel rods*, between Milwaukee, WI, on the one hand, and, on the other, Houston, TX.

MC 163980, filed September 24, 1982. Applicant: CRUSADER TOURS AND COACH, INC., One Oxford Ave., Jersey City, NJ 07304. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838-0600. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, between New York, NY, points in NJ, and those in Nassau, Suffolk, Westchester and Rockland Counties, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343 or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 2379.

MC 163981, filed September 24, 1982. Applicant: JAMES H. GEMMELL, d.b.a. NOW EXPRESS, 992 Paul Lane, Batavia, OH 45103. Representative: Norbert B. Flick, 2250 Beechmont Ave., Cincinnati, OH 45230, (513) 231-4831. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Butler, Clermont, Hamilton, Warren, and Montgomery Counties, OH, Campbell, Kenton, Boone, Pendleton, Grant, Harrison, and Scott Counties, KY and Dearborn County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163990, filed September 24, 1982. Applicant: TOWLER TRUCKING COMPANY, INC., d.b.a. McCLINTON TRUCKING CO., P.O. Box 1507, Oceanside, CA 92054. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872-1106. Transporting (1) *ores and minerals, clay, concrete, glass or stone products, and coal*, between points in CA, on the one hand, and, on the other, points in AZ, NV, OR, UT, and WA, and (2) *machinery and metal products*, between points in San Diego County, CA, on the

one hand, and, on the other, points in AZ, NV, and UT.

MC 164021, filed September 27, 1982. Applicant: TRANSFER DRIVERS, INC., 508 W. Washington St., South Bend, IN 46601. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *transportation equipment*, between points in the U.S. (except AK and HI).

Please direct status inquiries about the following to team 2 (202) 275-7030.

Volume No. OP2-251

Decided: October 4, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 16503 (Sub-15), filed September 27, 1982. Applicant: GUDEX TRUCKING, INC., P.O. Box 359, Shawano, WI 54166. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting (1) *food and related products* and (2) *such commodities* as are dealt in by chain grocery and food business houses, between points in the U.S.

Note.—The purpose of this application is to convert applicant's subs 12 and 13(X) from contract carrier authority to common carrier authority. Upon approval of this application applicant request coincidental cancellation of its subs 12 and 13(X).

MC 115212 (Sub-3), filed September 28, 1982. Applicant: H.M.H. MOTOR SERVICE, R.D. 2, Box 119, Cranbury, NJ 08512. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *such commodities* as are dealt in or used by retail stores, between points in the U.S. Condition: The purpose of this application is to convert contract carrier authority to common carrier authority.

MC 133813 (Sub-1), filed September 27, 1982. Applicant: FORD VAN LINES, INC., 200 South Coddington, P.O. Box 83109, Lincoln, NE 68506. Representative: Daniel R. Stogsdill, 1900 First National Bank Bldg., Lincoln, NE 68508, 402-474-6900. Transporting *household goods*, between points in the U.S. (except AK and HI).

MC 146753 (Sub-24), filed September 29, 1982. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW., Suite 500, Washington, DC 20006, (202) 828-5015. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in OH, IL, NY, IN, MI, NJ, MO, KS, and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151193 (Sub-30), filed September 24, 1982. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same address as applicant), 201-499-3869. Transporting (1) *toilet preparations, cosmetics, and health and beauty aids*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S. (except AK and HI), under continuing contract(s) with Warner Cosmetics, Inc., of Piscataway, NJ.

MC 151783 (Sub-3), filed September 28, 1982. Applicant: S. GOSKI & SONS, INC., 318 Massachusetts St., P.O. Box 567, Westfield, NJ 07090. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, 201-572-5551. Transporting *paper products and plastic products*, between points in the U.S. (except AK and HI), under continuing contract(s) with James River Corporation, of Richmond, VA and its subsidiary, Dixie Norton Company, of Richmond, VA.

MC 156903 (Sub-1), filed September 27, 1982. Applicant: ROBERT COOK, d.b.a. COOK TRANSPORT, Street RD and Clive Ave., Cornwells Heights, PA 19020. Representative: Robert Cook (same address as applicant), 215-639-1122. Transporting *building materials and lumber*, between points in Bucks County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163502 (Sub-1), filed September 23, 1982. Applicant: BEST TRUCKING CO., INC., 2704 Gaston, Dallas, TX 75226. Representative: Barry J. Brooks, 8300 Douglas—Suite 800, Dallas, TX 75226, 214-373-9175. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX.

MC 163653, filed August 30, 1982. Applicant: SIERRA GRANDE EXPRESS, INC., 14068 Point Douglas Drive South, Hastings, MN 55033. Representative: William L. Libby, 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927-8855. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (including AK, but excluding HI), under continuing contract(s) with Farmhouse Foods, Inc., of Milwaukee, WI, and its following divisions and subsidiaries: Hancock Nelson Wholesale Grocers, of St. Paul, MN; Farm House Wholesale Corp., of Eldridge, IA; Roberts Farm House Foods Corp., of Eau Claire, WI;

Carpenter Cook Co., of Menominee, MI; White Drug Enterprises, of Jamestown, ND; Federal Wholesale Division, of Eldorado, IL; Lake End Sales, Inc., of Fort Wayne, IN; Ohio Grocery Division, of Lima, OH; Scot Farm Foods Division, of Lafayette, IN; Bonnie Baking Division, of LaPorte, IN; Chicago Grocery Division, of Lansing, IL; and Clarksburg Wholesale Division, of Hepzibah, WV.

MC 163992, filed September 24, 1982. Applicant: JAMES E. O'NEAL AND KEITH G. STEVER, d.b.a. O AND S TRUCKING CO., 2459-B East Kearney St., Springfield, MO 65803. Representative: James E. O'Neal (same address as applicant), Springfield, MO 65803, 417-864-4780. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ozark Truck Brokerage of Springfield, MO.

Volume No OP-253

Decided: October 5, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. Member Chandler not participating.

W 353 (Sub-3), filed September 15, 1982. Applicant: INGRAM INDUSTRIES, INC., d.b.a. INGRAM BARGE COMPANY, 4304 Harding Rd., P.O. Box 23049, Nashville, TN 37202. Representative: Martin W. Bercovici, 1150 17th St. NW, Suite 1000, Washington, DC 20036, 202-457-1144. To operate as a *contract carrier, by water* (1) by *towing vessels* in the performance of general towage (a) between ports and points along the Ohio River and its tributaries, the Mississippi River, the Illinois Waterway, and the Arkansas River, (b) between ports and points on the Gulf Intra-Coastal Waterway, including tributaries, and (c) between ports and points in (a) above and ports and points in (b) above, and (2) transporting *general commodities*, between ports and points in (1)(a), and (1)(b) above, and between ports and points in (1)(a) above, on the one hand, and, on the other, ports and points in (1)(b) above, under continuing contract(s) with (a) Central Gulf Lines, Inc., Delta Steamship Co., Gulf & Eastern Steamship & Chartering Corp., Lower Miss Marine Services, Inc., Lykes Brother's Steamship Company, Southern Scrap Material Co., Ltd., and Waterman Steamship Corp., all of New Orleans, LA, (b) Cozzi Iron and Metals Incorporated, of Chicago, IL, (c) Harwin, Inc., of Metairie, LA, and (d) JB Urban Company, of Elmhurst, IL. This application contemplates operations which should result in decreased energy consumption in comparison with

existing energy consumption in the affected area. To the extent traffic will be diverted from existing transportation modes, greater energy efficiencies may be obtained without disruption to existing patterns of energy distribution or to development of energy resources. The application is, in all respects, consistent with prevailing goals and objectives of the National Energy Policy.

MC 146853 (Sub-15), filed September 29, 1982. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *beverages*, between Cedar Rapids and Des Moines, IA, and Omaha, NE, on the one hand, and, on the other, points in IL, MO, NE, and Salt Lake City, UT.

MC 147492 (Sub-9), filed September 30, 1982. Applicant: MEL MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189. Representative: Sandra H. Roberson, (Same Address as applicant), 504-246-8221. Transporting (1) *paper, paper products, and containers and components*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S. (except AK and HI), under continuing contract(s) with American Can Company, of St. Louis, MO.

MC 164023, filed September 29, 1982. Applicant: DILLARD PAPER COMPANY, P.O. Box 21767, Greensboro, NC 27420. Representative: Marvin L. Johnson, (same address as applicant), 919-299-1211. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

Please direct Status inquiries about the following to Team. 3 (202) 275-5223.

Volume No. OP3-153

Decided: October 1, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF 175 (Sub-5), filed September 13, 1982. Applicant: B. C. FORWARDING CO., LT., 3600 S Western Ave., Chicago, IL 60609. Representative: H. Barney Firestone, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263-1600. As a *freight forwarder*, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between ports of entry on the International boundary line between the U.S. and Canada at WA, on the one hand, and, on the other, points in TX.

MC 1334 (Sub-33), filed September 20, 1982. Applicant: RITEWAY TRANSPORT, INC., 2131 W. Roosevelt, Phoenix, AZ 85009. Representative: Robert R. Digby, (same address as applicant), (602) 258-6851. Transporting *general commodities* (except household goods and commodities in bulk), between points in the U.S. (except AK and HI). Conditions: A grant of authority here is conditioned upon the receipt from applicant of an explanation of why approval of this application would not be in violation of 49 U.S.C. 11323(b) which proscribes ownership by a director, officer, employee, or agent of a common carrier of stock in a freight forwarder subject to the jurisdiction of this Commission. Any authority granted here, to the extent it authorizes the transportation of classes A and B explosives, is limited to a term of five (5) years from the date of issuance.

MC 15735 (Sub-54), filed September 10, 1982. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill, (same address as applicant), (312) 681-8378. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with GTE Service Corp. of Stamford, CT and its affiliates and subsidiaries.

MC 31675 (Sub-34), filed September 21, 1982. Applicant: CENTRAL DIVISON, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Leonard A. Jaskiewicz, 1730 M St., N.W., Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Douglas and Sarpy Counties, NE, CA, and AZ, on the one hand, and, on the other, those points in the U.S. in and west of AR, IA, MN, MO, and TX.

MC 111274 (Sub-89), filed August 27, 1982, previously noticed in the *Federal Register* on September 28, 1982. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall, (same address as applicant), (309) 266-9773. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI). NOTE: This republication corrects the revocation date of applicant's permits under MC 111274 and subs thereunder listed in the conditional statement. Applicant's permits and subs thereunder will be

revoked upon issuance of a certificate in this proceeding.

MC 116325 (Sub-96), filed September 13, 1982. Applicant: JENNINGS BOND, d.b.a. BOND ENTERPRISES, P.O. Box 8, Lutesville, MO 63762. Representative: Calvin R. Turner Jr., P.O. Box 517, Evergreen, AL 36401, (205) 578-3212. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 117415 (Sub-12), filed September 20, 1982. Applicant: JENSEN TRUCKING CO., INC., P.O. Box 402, American Fork, UT 84003. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *metal products*, between points in WA, OR, CA, NV, UT, ID, MT, WY, CO, AZ, NM, TX, OK, ND, SD, NE, and KS.

MC 123194 (Sub-14), filed September 20, 1982. Applicant: ENTERPRISE TRUCK LINE, INC., 7336 West 15th Avenue, Gary, IN 46406. Representative: Bernard J. Kompare, 180 North Michigan Avenue, Suite 1700, Chicago, IL 60601, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 124025 (Sub-21), filed September 20, 1982. Applicant: GLASS TRUCKING COMPANY, a Corporation, P.O. Box 447, 200 Chestnut, Newkirk, OK 74647. Representative: C. L. Phillips, Room 248; Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528-3884. Transporting (1) *food and related products*, and (2) *metal products*, between points in the U.S. (except AK and HI). Condition: Applicant's permit under No. MC 124025 Sub-No. 19X, issued November 24, 1981, will be revoked upon issuance of a Certificate.

MC 133965 (Sub-21), filed September 20, 1982. Applicant: CALZONA TANKWAYS, INC., P.O. Box 6558, Phoenix, AZ 85005. Representative: William J. Lippman, P.O. Box 8060, Snowmass Village, CO 81615, (303) 923-4565. Transporting *commodities in bulk*, between (1) points in AZ and CA, on the one hand, and, on the other, points in OK and WA, and (2) points in LA, on the one hand, and, on the other, points in CO and UT.

MC 143445 (Sub-10), filed September 16, 1982. Applicant: KWIKASAIR EXPRESS, INC., P.O. Box 100870, 220 Willow St., Nashville, TN 37210. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840-8565. Transporting *general commodities* (except classes A

and B explosives, household goods and commodities), between points in the U.S. (except HI).

MC 154185 (Sub-3), filed September 20, 1982. Applicant: RENN TRANSPORTATION CO., INC., 949 Advance St., Green Bay, WI 54304. Representative: J. J. Gloeckler, P.O. Box 1412, Green Bay, WI 54305, (414) 497-7400. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contracts with (1) Henri's Food Products Co., Inc., of Milwaukee, WI; (2) Joan of Arc Company, of Peoria, IL; and (3) Seneca Foods Corporation, of Janesville, WI.

MC 156244 (Sub-1), filed September 20, 1982. Applicant: UNITED INTERMODE, INC., One United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. As a *broker*, to arrange for the transportation of *household goods*, between points in the U.S.

MC 157134 (Sub-2), filed September 10, 1982. Applicant: SUPER CARRIER COMPANY, INC., 3250 So. Pulaski Rd., Chicago, IL 60623. Representative: Albert A. Andrin, 180 No. LaSalle St., Chicago, IL 60601, (312) 332-5106. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Capitol Freight Systems, Ltd. of Oakbrook, IL.

MC 157584, filed September 16, 1982. Applicant: PIEDMONT GRADING & WRECKING CO., INC., 3652 Beatties Ford Rd., P.O. Box 16465, Charlotte, NC 28216. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685-0801, (616) 941-5313. Transporting *transportation equipment, machinery, and contractors equipment*, between points in NC, SC, VA, GA, TN, WV, PA, MD, and NY.

MC 158715 (Sub-2), filed September 20, 1982. Applicant: WILLIAM F. BRAUN MILK HAULING, INC., 202 N. Second St., Hecker, IL 62248. Representative: Linda S. Braun, 320 Country Village Lane, Hecker, IL 62248, (618) 473-2917. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contracts with (1) Prairie Farms Dairy, Inc., of Carlinville, IL, (2) PFD Supply Corp., of Granite City, IL, (3) Ice Cream Specialties, of St. Louis, MO, (4) Muller-Pinehurst Dairy, of Rockford, IL, (5) Hiland Dairy, of Springfield, MO, (6) Ideal-American Dairy, of Evansville, IN, (7) Roberts Dairy, of Omaha, NE,

and (8) Home Town Dairy, of Iowa City, IA.

MC 160575, filed September 20, 1982. Applicant: COLUMBIA TRUCKING COMPANY, R.R. 11, P.O. Box 1246, Columbia, MO 65201. Representative: Richard S. Brownlee, III, P.O. Box 1069, Jefferson City, MO 65102, (314) 636-8135. Transporting *heavy machinery, metal products*, and building materials, between points in MO and KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161944 (Sub-1), filed September 20, 1982. Applicant: ELIZABETH A. HUMPHREY, d.b.a. NOVEMBER TRANS., Rt. 2, Box 1878 Canaan Rd., Hampden, ME 04444. Representative: Elizabeth A. Humphrey (same address as applicant), (207) 862-4921. Transporting *general commodities* (except classes A and B explosives and household goods), between points in ME, NH, VT, MA, CA, CT, RI, NY, NJ, PA, MD, DE and VA, on the one hand, and, on the other, points east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 163934, filed September 20, 1982. Applicant: WILLIAM J. MORRIS, JR., d.b.a. BIL-LOR TRUCKING COMPANY, P.O. Box 201, Spotswood, NJ 08884. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting (1) *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Technicon Corporation, of South Plainfield, NJ, and (2) *rubber and plastic products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Edison Plastics Company Division, Blessing Corporation, of South Plainfield, NJ.

MC 163935, filed September 20, 1982. Applicant: R. BAILEY & CO., INC., Route 107, RFD #1, Box 44, Northwood, NH 03261. Representative: Robert E. Bailey (same address as applicant), (603) 942-8661. Transporting *petroleum products and commodities in bulk*, between points in NH, VT, MA, ME, CT, RI and NY.

MC 163975, filed September 23, 1982. Applicant: WALTER T. OZEE, d.b.a. W. T. OZEE, R.R. No. 1, Box 123, Herod, IL 62947. Representative: Walter T. Ozee (same address as applicant), (618) 264-5821. Transporting *crushed limestone*,

gravel, trap rock, liquid asphalt and mineral filler, between points in Caldwell and Lyon Counties, KY, St. Francois and Perry Counties, MO, on the one hand, and, on the other, points in Perry and Hardin Counties, IL.

MC 160525, filed February 10, 1982, and previously noticed in the **Federal Register** issue of February 26, 1982. Applicant: ELITE EXPRESS, 2449 Faithhome Rd., Ceres, CA 95307. Representative: Lillie Mello (same address as applicant), (209) 537-4869. Transporting *food and related products*, between points in CA, OR, WA and AZ.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Please direct status inquiries about the following to Team 4, (202) 275-7669.

Volume No. OP4-355

Decided: October 5, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 162037 (Sub-1), filed September 22, 1982. Applicant: DAKOTA BAKE-N-SERV, INC., Airport Rd., Box 688, Jamestown, ND 58401. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI). Condition: Applicant's permits under MC 152915, and Sub-No. 1, issued May 26, 1981, and Sub-No. 2, issued February 16, 1982, acquired by applicant in MC-FC-79687, and MC 162037, issued August 10, 1982, are revoked.

MC 162677, filed September 21, 1982. Applicant: G. GOODENOW, LTD., 602 Moorehead St., P.O. Box 221, Ida Grove, IA 51445. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sioux City Foundry Co., of Sioux City, IA.

MC 163176, filed September 22, 1982. Applicant: RONALD E. SEWELL, D.B.A. SEWELL PARCEL SERVICE, 2622 Cora Ave., Cincinnati, OH 45211. Representative: James E. Phillipps, 414 Walnut St., Cincinnati, OH 45202, (513) 621-5836. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in KY, FL, and OH, under continuing contract(s) with Premier Industries, Inc., of Covington, KY.

MC 163956, filed September 22, 1982. Applicant: ROYAL LIMO & AIR PARCEL SERVICE, INC., P.O. Box 151, Caln Rd., Coatesville, PA 19320.

Representative: Burton Neil, 26 S. Church St., West Chester, PA 19380, (215) 696-3030. Transporting *passengers and their baggage*, in special and charter operations, between points in CT, DE, MD, NJ, NY, PA, and DC.

MC 163966, filed September 23, 1982. Applicant: CMT TRANSFER, Box 158, Carmen, Manitoba, Canada ROG OJO. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting (1) *metal products, machinery and wood burning stoves*, between ports of entry on the International Boundary line between the U.S. and Canada, at points in MN, MT, and ND, on the one hand, and, on the other points in CO, IA, IL, MN, MT, ND, SD, WI, and WY, and (2) *tires, tubes, and rims*, between ports of entry on the International Boundary line between the U.S. and Canada, at points in MI, MN, and ND, on the one hand, and, on the other, points in CO, MN, MO, NE, and OH.

Note.—This decision has been made in accordance with the statutory provisions of the Bus Regulatory Reform Act of 1982 with great weight being given to the mandates set forth in the National Transportation Policy.

MC 163967, filed September 22, 1982. Applicant: BDQ Baggage Service, 821 Wright Ave., Schenectady, NY 12309. Representative: Geoffrey M. Hudson (same address as applicant), (518) 372-2024. Transporting *baggage and personal property of airline passengers*, between the Albany County Airport, NY, on the one hand, and, on the other, points in Rutland, Windsor, Bennington, and Windham Counties, VT, those in Berkshire, Franklin, Hampshire, and Hampden Counties, MA, and those in Albany, Columbia, Essex, Delaware, Dutchess, Fulton, Greene, Hamilton, Herkimer, Montgomery, Orange, Otsego, Rensselaer, Saratoga, Schoharie, Schenectady, Sullivan, Ulster, Warren, and Washington Counties, NY.

[FR Doc 82-28079 Filed 10-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30008]

Rail Carriers, Chesapeake and Ohio Railway Co., and Baltimore and Ohio Railroad Co.—Exemption Control—Allegheny and Western Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 11343 *et seq.* the proposed acquisition of control by the Chesapeake and Ohio Railway

Company and the Baltimore and Ohio Railroad Company of the Allegheny and Western Railway Company.

DATES: This exemption will be effective on November 15, 1982. Petitions to stay the effectiveness of the decision must be filed by October 25, 1982 and petitions for reconsideration must be filed by November 2, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423.

(2) Petitioner's representative: Louis Recher, P.O. Box 6419, Cleveland, OH 44101.

Pleading should refer to Finance Docket No. 30008.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275-7245.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-28081 Filed 10-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30009]

Rail Carriers, Chesapeake and Ohio Railway Co., and Baltimore and Ohio Railroad Co.—Exemption Control—Clearfield and Mahoning Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission has exempted the Baltimore and Ohio Railroad Company and the Chesapeake and Ohio Railway Company from the requirements of 49 U.S.C. 11343 in connection with their control of the Clearfield and Mahoning Railway Company.

DATES: This exemption will become effective on November 12, 1982. Petitions to stay the effectiveness of this decision must be filed by October 25, 1982. Petitions for reconsideration must be filed by November 2, 1982.

ADDRESSES: Send petitions to:

(1) Interstate Commerce Commission, Section of Finance, Room 5417, Washington, DC 20423.

(2) Petitioner's representative: Robert F. Hochworth, P.O. Box 6419, Cleveland, OH 44101.

Pleadings should refer to Finance Docket No. 30009.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th &

Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll-free for outside the DC area.

Decided: October 5, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-28080 Filed 10-12-82; 8:45 am]

BILLING CODE 7035-01-M

**Rail Carrier; Rerouting Traffic
Amendment No. 1 to Third Revised
I.C.C. Order No. 82, Under Service
Order No. 1344**

Service Date October 7, 1982.

To: The Baltimore and Ohio Railroad Company; The Chesapeake and Ohio Railway Company; Norfolk and Western Railway Company; Green Bay and Western Railroad Company; Chicago and North Western Transportation Company; Soo Line Railroad Company; and Grand Trunk Western Railroad Company.

Upon further consideration of I.C.C. Order No. 82 and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 82 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* The order shall expire at 11:59 p.m., December 31, 1982, unless otherwise modified, amended or vacated.

Effective date. This order shall become effective at 11:59 p.m., September 30, 1982.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 22, 1982

Interstate Commerce Commission.

J. Warren McFarland,

Agent.

[FR Doc. 82-28083 Filed 10-12-82; 8:45 am]

BILLING CODE 7035-01-M

[No. 38749]

**Rail Carrier; UTF Carriers, Inc.—
Petition for Exemption From Tariff
Filing Requirements**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final decision.

SUMMARY: In a notice published at 47 FR 24668 (June 7, 1982), the Commission provisionally granted the request of UTF Carriers, Inc. (UTFC), a motor contract carrier, for an exemption from certain tariff filing requirements. Upon consideration of the comments received in response to the notice, the provisional grant is made final.

DATE: This decision shall be effective on October 13, 1982.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway, (202) 275-7277 or Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The Commission provisionally granted UTFC's petition requesting an exemption from the tariff filing requirements of 49 U.S.C. § 10761(a). The Commission noted that the limited public benefit gained by having UTFC's tariffs on file would not seem to justify requiring UTFC to bear the administrative burden of publishing them. On balance, the Commission found that requiring UTFC to file tariffs was not in the public interest.

The Regular Common Carrier Conference of the American Trucking Association, Inc., the Bulk Carrier Conference, Inc., the Eastern Industrial Tariff League, Inc., and the Committee for Lawful Rates (protestants) each filed comments opposing the exemption. Protestants argue, generally, that the exemption will give UTFC a competitive advantage, both because UTFC will be free of the burden of filing tariffs (unlike other regulated carriers who must file) and because other carriers will be unable to discover what UTFC's rates are in order to compete with them and to uncover evidence of discrimination and predatory pricing. They argue that UTFC has failed to show that the exemption is in the public interest. Protestants contend that the provisional exemption should not extend to all of UTFC's contracts, present and future, even accepting, *arguendo*, that there has been a showing of public interest for exempting present contracts, they assert that no such showing is possible for future contracts. They request that, if the provisional grant is made final, it be limited to tariffs involving existing contracts.

Protestants note that petitioner now serves Uniroyal, Inc., USCO Services, Inc., and Delta Tire Corporation. UTFC and USCO are both Wholly owned subsidiaries of Uniroyal, and protestants generally recognize that, as such, the sought exemption is merely a different method of achieving a result which could otherwise be reached under the

compensated intercorporate hauling (CIH) exemption in 49 U.S.C. 10524(b). They argue that this is not true for Delta, which is unaffiliated and which warehouses tires for both Uniroyal and its competitors. Protestants assert that extending the filing exemption to Delta will allow UTFC to transport tires for companies other than Uniroyal while denying regulated common carriers an opportunity to compete. They claim the exemption could also allow Uniroyal to secretly manipulate the rates charged to its competitors which use the Delta warehouse because no tariffs would be on file for public inspection. They request that the exemption be limited to corporate affiliates of Uniroyal. Finally, protestants assert that the Commission violated the Administrative Procedure Act (APA) (5 U.S.C. 554) by provisionally granting an exemption before requesting and considering public comments.

The Federal Trade Commission filed a comment in support of the exemption. It states that the exemption will benefit the public by relieving UTFC of the expense and delay generated by tariff filing requirements and also by lowering shipper costs. Carnaco Transport, Inc., a contract carrier, also supported the application for exemption. The FTC has also petitioned for institution of a rulemaking (1) to eliminate tariff filing requirements for all contract carriers, and (2) to permit contract carriers to serve entire industries rather than specified shippers. These matters will be considered separately in proceedings to be instituted in Ex Parte No. MC-165.

UTFC has filed a motion for leave to reply to the comments in opposition. The motion is granted.

UTFC argues that its petition is in the public interest, that discrimination and predatory pricing are not significant issues in the context of contract carriage and that the cost of filing tariffs prevents contract carriers from competing effectively with common carriers, because contract carriers have a smaller traffic base over which to spread their costs. UTFC also argues that its operations for Delta Tire Corporation account for only 4 percent of its traffic volume and that it would be an unreasonable burden to force UTFC to maintain tariffs for this traffic.

We have reviewed the comments and conclude that the provisional exemption should be made final. The statute specifically authorizes this relief upon a finding that it is in the public interest. Here, the exemption will lower carrier and shipper costs with no sacrifice to either party. We cannot agree with protestants that all regulated carriers

should equally bear the onus of tariff publication. The fact that common carriers do not have available a similar exemption should not compel a conclusion that it should not be used, when appropriate, for contract carriers.

In this particular case, we believe that UTFC has demonstrated that the exemption will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. The substantial bulk of its traffic is handled for its affiliates in operations that appear to be essentially those of a private carrier for which tariffs are not required. Indeed, UTFC already has CIH status, see 46 FR 26,930 (May 18, 1981). For such operations, publication of the rates UTFC wishes to assess (based on a percentage of the otherwise applicable common carrier bureau rates) would be unnecessarily burdensome, because it would involve continual tracking and updating corresponding to the frequent changes in each of the voluminous bureau tariffs. By minimizing these burdens and increasing UTFC's ability to react quickly to changes in the relevant motor carrier tariffs, an exemption will enhance UTFC's ability to provide competitive and efficient services that will meet the needs of shippers, receivers, and consumers; it will allow a variety of quality and price options to meet the needs of the public; it will assist UTFC in earning adequate profits and attracting capital; and it will help to improve and maintain a healthy private carrier system.

Protestants are correct that Delta is not an affiliated shipper and, as such, would not be a direct party to UTFC's CIH operations. But Delta traffic comprises only a portion of UTFC's operations. Moreover, some of that traffic is apparently hauled for Uniroyal and thus may in fact be covered by the CIH exemption. The non-Uniroyal Delta traffic seems intended to "top off" a partially full truck carrying Uniroyal tires. In other words, on the record presented in this proceeding, it appears that UTFC's principal reason for serving the Delta facility has been and still is to haul the tires of its corporate affiliates; and that its services for other tire manufacturers are incidental to these intercorporate transactions. Under those circumstances, we see little public purpose in requiring continued filings for such a small portion of the carrier's services, if tariffs are not required for the bulk of the service provided.

The protestants argue generally that a grant of this exemption will be contrary to the national transportation policy and other aspects of the public interest, because it will prevent them from

competing for traffic (by shielding UTFC's rates from public scrutiny) and will result in discrimination among shippers.¹

In our view, these arguments are without merit here. In the first place, the antidiscrimination provisions of 49 U.S.C. 10741 do not apply to contract carriers; to the contrary, the provisions of 49 U.S.C. 10702 contemplate the establishment by contract carriers of different rates for similar services.

More significantly, we do not believe that a grant of this exemption will impede well managed regulated carriers from competing for traffic or earning reasonable profits. The decisional and legislative pronouncements cited by the Committee for Lawful Rates were issued for the most part under the protectionist regulatory scheme existing prior to passage of the Motor Carrier Act of 1980. Under the new law, common carriers have greater opportunities to expand their operations, both geographically and with regard to commodities. Given the operational flexibility now enjoyed by common carriers, we do not believe that a tariff exemption for this small contract carrier—whose operations do not appear to be competitive with those of common carriers²—would affect the competitive posture or financial health of the common carrier industry. Protestants' bare assertions of potential predatory activity, without any supporting documentation, are not convincing.

We recognize that the publication requirement for motor contract carrier rates was originally imposed to protect the competitive position of motor common carriers. *Contracts of Contract Carriers*, 1 M.C.C. 628, 629 (1937). We question whether there is still a need for that type of protection, given the extensive operational flexibility now enjoyed by common carriers.³ Indeed,

¹ The Committee for Lawful Rates, for example, cites various decisional and legislative pronouncements indicating that common carriers need to know contract carriers' rates in order to compete.

² Although protestant Bulk Carriers Conference indicates that some of its members serve Uniroyal, we agree with protestant Regular Common Carrier Conference that the services provided for UTFC's corporate family members do not represent the usual "type of arms length business arrangement between a carrier and a shipper . . ." for which tariffs are necessary. Moreover, because UTFC solicits its Delta traffic from non-family members to "round out" its intercorporate services, we do not believe that a tariff exemption for those rates will have any significant competitive impact.

³ We note that railroads, which enjoy considerably less operational flexibility than motor carriers, are now statutorily permitted to enter into confidential rate contracts with shippers. 49 U.S.C. 10713.

the Federal Trade Commission has requested that we initiate a rulemaking proceeding to eliminate the tariff requirement for contract carriers generally and permit contract carriers to serve entire industries rather than specified shippers. We will consider this request for broad relief in a separate proceeding, Ex Parte No. MC-165, to be instituted shortly. But regardless of the outcome of that proceeding, it is clear that a tariff exemption for this carrier's operation is warranted and in the public interest. Protestants urge that any exemption be limited to traffic that is currently handled; UTFC in response indicates that it now would like an open-ended exemption subject to future challenge if and when it applies for additional permits. Because UTFC justified its request on the ground that its "business is so closely and extensively related to the business of its corporate affiliates," the provisional grant extended only to current operations. In addition, it is not clear that the May 28, 1982, provisional exemption provided adequate notice to the public of petitioner's intention that contracts with future shippers be exempted. Should petitioners continue to desire to exempt future contracts, it may file an appropriate petition. Therefore, we will limit the exemption to current service.

Finally, protestants' argument that the Commission has violated the APA by "prejudging" this proceeding is without merit. The provisional grant specifically stated that the grant would not become effective automatically unless no adverse comments were received. Once an adverse comment was received, the Commission was bound to consider the comment (or comments) and issue a second decision determining whether the provisional grant should become final. Under these circumstances, we do not conclude that the matter was prejudged.

We find that the exemption sought by petitioner UTF Carriers, Inc. is in the public interest and, therefore, the provisional exemption granted at 47 FR 24668 (June 7, 1982) is made final.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10702(b), 10761(b) and 10762(f).

Decided: October 4, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-28082 Filed 10-12-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Arrival Departure Record, Form I-94; Notice of Revised Edition

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of Form Revision.

FOR FURTHER INFORMATION CONTACT:

Kenneth A. Cooper, Management Analyst, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536, Telephone: (202) 633-3291.

SUPPLEMENTARY INFORMATION:

Beginning January 1, 1983, all carriers of passengers seeking admission into the United States and presently using the I-94 manifest procedure will be required to use only the revised edition of the Arrival-Departure Record, Form I-94

(Rev. 1-1-83) N. The Form I-94 (6-1-79) currently being used will not be accepted at any U.S. entry inspection facility after December 31, 1982.

Carriers may print their own forms or purchase them from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Those carriers desiring to print their own forms must use the print package, which consists of print specification and camera-ready prints in English and eight (8) foreign languages (Dutch, French, German, Italian, Japanese, Polish, Portuguese and Spanish). For all air carriers, the print package will be available after October 15, 1982 from: Mr. James Gorson, Director of Facilitation, Air Transport Association of America, 1709 New York Avenue, NW., Washington, D.C. 10006.

For sea carriers, the print package will be available after October 15, 1982 from: General Services Officer, Room LL100, Immigration and Naturalization Service, Washington, D.C. 20536, Telephone: (202) 633-3799.

Carriers that do not print the Form I-94 should forward orders for the printed English or Spanish editions of Form I-94 with prepayment to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Foreign language editions of Form I-

94, other than Spanish, will not be available for purchase from the Superintendent of Documents. The Superintendent of Documents will have the English and Spanish editions available for sale beginning November 15, 1982.

The redesigned Form I-94 is depicted below. It is an index-weight, three-section form printed in two colors. Both arrival and departure portions of the form must bear a unique 11-digit admission number. Digits 1, 2, and 3 are the identifying code for each carrier (ATA/IATA Airline Form Numbers) if the forms are printed by an air carrier; or, are the identifying code assigned by the Immigration and Naturalization Service to the forms printed by the Government Printing Office or to the forms printed by sea carriers. Digits 4-11 are sequential numbers and must not be duplicated regardless of which language is being printed. The numbers must be $\frac{1}{4}$ inch high and printed in black ink.

Secs. 103, 214 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103, 1184)

Dated: October 6, 1982.

Perry A. Rivkind,

Associate Commissioner, Management.

BILLING CODE 4410-10-M

I-94	IMMIGRATION AND NATURALIZATION SERVICE ARRIVAL/DEPARTURE RECORD	Form Approved OMB No. 1115-077 Expires 8-31-85
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WELCOME TO THE UNITED STATES

INSTRUCTIONS

- ALL PERSONS EXCEPT U.S. CITIZENS MUST COMPLETE THIS FORM. A SEPARATE FORM MUST BE COMPLETED FOR EACH PERSON IN YOUR GROUP.
- TYPE OR PRINT LEGIBLY WITH PEN IN ALL CAPITAL LETTERS. USE ENGLISH. DO NOT WRITE ON THE BACK OF THIS FORM.
- This form is in two parts, an ARRIVAL RECORD (Items 1 through 7), and a DEPARTURE RECORD (Items 8 through 10). You must complete both parts. Enter exactly the same information in spaces 8, 9, and 10 as you enter in spaces 1, 2, and 3.
- Item 7.* If you entered the United States by land, enter "LAND" in this space.
- WHEN YOU HAVE COMPLETED ALL REQUIRED ITEMS, PRESENT THIS FORM TO THE U.S. IMMIGRATION AND NATURALIZATION INSPECTOR.

ADMISSION NUMBER		I-94 ARRIVAL RECORD (Rev. 1-1-82)N	
1. FAMILY NAME (SURNAME) (leave one space between names)			
FIRST (GIVEN) NAME (do not enter middle name)			
2. DATE OF BIRTH		3. COUNTRY OF CITIZENSHIP	
DAY	MO	YR	4. COUNTRY OF RESIDENCE (country where you live)
5. ADDRESS WHILE IN THE UNITED STATES (Number and Street)			
City State			
6. CITY WHERE VISA WAS ISSUED		7. AIRLINE & FLIGHT NO. OR SHIP NAME*	
THIS FORM IS REQUIRED BY THE IMMIGRATION AND NATURALIZATION SERVICE, UNITED STATES DEPARTMENT OF JUSTICE.			

WARNING * A nonimmigrant who accepts unauthorized employment is subject to deportation. IMPORTANT * Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future.	
ADMISSION NUMBER	
8. FAMILY NAME (SURNAME) (same as Family Name in Item 1 above)	
FIRST (GIVEN) NAME (same as First Name in Item 1 above)	
9. DATE OF BIRTH (same as Item 2)	10. COUNTRY OF CITIZENSHIP (same as Item 3 above)
DAY	MO YR
SEE REVERSE SIDE FOR OTHER IMPORTANT INFORMATION	
U.S. IMMIGRATION AND NATURALIZATION SERVICE	I-94 DEPARTURE RECORD (Rev. 1-1-82)N

STAPLE HERE

THIS SIDE FOR GOVERNMENT USE ONLY
(DO NOT WRITE BELOW THIS LINE)

PRIMARY INSPECTION	NAME
	II NUMBER DATE/TIME REFERRED
	REASON REFERRED
SECONDARY INSPECTION	II NUMBER END TIME SECONDARY
	DISPOSITION

11. OCCUPATION	
12. SCHOOL	
13. ITINERARY	
14. PETITION NUMBER	15. INS FILE NO.
	A
16. WAIVERS	

IMPORTANT NOTICE

You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of law.

SURRENDER THIS PERMIT WHEN YOU LEAVE THE UNITED STATES

- By sea or air, to transportation line.
- Over Canadian border, to Canadian Official.
- Over Mexican border, at the designated location.

RECORD OF CHANGES

DEPARTURE RECORD

Port:
Date:
Carrier:
Flight No./Ship Name

**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE****Commodity Policy Advisory
Committee; Meeting and
Determination of Closing of Meeting**

The meeting of the Commodity Policy Advisory Committee (the Advisory Committee) to be held Wednesday, October 20, 1982, from 2 p.m. to 5 p.m. at the Office of the United States Trade Representative, will involve a review and discussion of the current issues involving the trade policy of the United States. The review and discussion will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act); information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives; information the disclosure of which would be likely to significantly frustrate implementation of proposed government action; and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees, established under Section 135(c) of the Act, I hereby determine that the meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, the meeting of the Commodity Policy Advisory Committee will be closed to the public.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

William E. Brock,

United States Trade Representative.

[FR Doc. 82-28034 Filed 10-12-82; 8:45 am]

BILLING CODE 3190-01-M

**PACIFIC NORTHWEST ELECTRIC
POWER AND CONSERVATION
PLANNING COUNCIL****Conservation Subcommittee Meeting;
Regular Meeting Notice**

AGENCY: Pacific Northwest Electric

Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Conservation Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: October 12-13, 1982; 9:30 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 SW Taylor Street, Suite 200, Portland, Ore.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Eckman (503) 222-5161.

Edward Sheets,
Executive Director.

[FR Doc. 82-28086 Filed 10-13-82; 8:45 am]

BILLING CODE 0000-00-M

**SECURITIES AND EXCHANGE
COMMISSION**

[Release No. 22652; 70-6774]

**Arkansas Power and Light Co.;
Proposed Issuance and Sale of First
Mortgage Bonds by Competitive
Bidding**

September 29, 1982.

In the matter of Arkansas Power and Light Company, First National Building, Little Rock, Arkansas 72203 (70-6774).

Arkansas Power and Light Company ("Arkansas"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act").

Arkansas proposes to issue and sell not more than \$100 million in principal amount of First Mortgage Bonds ("Bonds") in one or more series from time to time through June 30, 1983. The terms will be determined by competitive bidding. The Bonds will be issued under the company's Mortgage and Deed of Trust, dated as of October 1, 1944, as supplemented and to be further supplemented. The Bonds will mature not later than June 1, 2013. The respective Supplemental Indentures will include a prohibition, for a period of not more than five years, against refunding the Bonds, directly or indirectly, with the proceeds of funds borrowed at a lower effective interest cost than the effective interest cost to Arkansas of the respective series of Bonds.

Arkansas may request the Commission to except the sale or sales

of the Bonds from the competitive bidding requirements of Rule 50 if circumstances occur which Arkansas believes make such exception in the best interests of Arkansas, and its investors and consumers. Arkansas proposes to use the net proceeds derived from the issuance and sale of the Bonds for the payment of a portion of its short-term indebtedness and for other corporate purposes.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 21, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-28044 Filed 10-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12695; 812-5273]

**Chancellor Tax-Managed Utility Fund,
Inc.; Filing of Application**

September 28, 1982.

In the matter of Chancellor Tax-Managed Utility Fund, Inc., 100 Gold Street, New York, NY 10292 (812-5273).

Notice is hereby given that Chancellor Tax-Managed Utility Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on August 11, 1982, requesting an order pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Sections 13(a)(2), 18(f)(1), 22(f) and 22(g) of the Act in connection with a proposed Deferred Director's fee Agreement ("Agreement") with certain of its directors, and pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder to permit certain joint transactions relating to the

Agreement. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant's investment objective is to increase the net asset value of its shares through investment in income-producing common and preferred stocks of utility companies and the use of tax management techniques to accumulate net investment income and any net capital gains to the maximum extent possible. Applicant states that it is managed by Bache Halsey Stuart Shields Incorporated ("Bache"), which is also the distributor of its shares, and The Prudential Insurance Company of American ("Prudential") is responsible for the supervision of Applicant's investments. Applicant represents that Bache is an indirect, wholly-owned subsidiary of Prudential. Applicant further represents that, as of July 30, 1982, there were \$7,218,395.589 issued and outstanding shares of its common stock and Applicant's net assets were valued at \$112,074,654.65.

According to the application, Applicant's board of directors consist of 9 individuals, one of whom is an affiliated person of Prudential and three of whom are affiliated persons of Bache. None of the four directors affiliated with Prudential or Bache receive director's fees or any other remuneration. Applicant represents that each of its directors who is not an affiliated person of Prudential of Bache currently receives \$8,000 per year as a director's fee, plus expenses. Applicant further represents that during its initial fiscal year ended April 30, 1982, it paid an aggregate of \$25,000 in fees and expenses to its directors.

According to the application, the purpose of the Agreement is to permit a director of the Applicant to elect to defer receipt of his director's fees, in order to avoid diminution or loss of social security benefits to which the director may otherwise be entitled, to enable the director to defer payment of income taxes on such fees, or for other reasons. Applicant represents that participation in the deferred fee arrangement will be limited to those directors who are not "interested persons" of the Applicant within the meaning of Section 2(a)(19) of the Act.

Applicant states that the Agreement will allow each eligible director to elect to defer receipt of all director's fees which otherwise would become payable to him for services as a director performed after the date of the

Agreement. Applicant represents that the deferred fees will be accrued to the director's benefit on a daily basis and will accrue interest daily at a variable rate until paid. Applicant further represents that the rate of interest will be equivalent to the prevailing rate applicable to 90-day United States Treasury bills at the beginning of each calendar quarter.

According to the application, a director's deferred fees and any interest thereon will become payable in cash in a lump sum or in such number of annual installments as shall be determined by the Applicant in its sole discretion. Deferred amounts will continue to accrue interest until paid. Applicant states that in the event of a director's death, amounts payable to him under the Agreement will thereafter be payable to his designated beneficiary; in all other events, the director's right to receive payments will be nontransferable.

The Applicant states that its obligation to make payments of amounts accrued under the Agreement will be a general unsecured obligation payable solely from its general assets and property. Applicant represents that no shares of Applicant will be purchased for any director's account with those amounts, nor will any special fund or separate account be established for those amounts.

Applicant states that deferral of directors' fees in accordance with the Agreement will have a negligible effect on Applicant's assets, liabilities, net assets and net income per share. Applicant further states that the Agreement will not obligate Applicant to retain a director in such capacity, nor will it obligate Applicant to pay any (or any particular level of) director's fees to any director.

Section 18(f)(1) of the Act prohibits any registered, open-end, management investment company from issuing senior securities except in connection with a bank borrowing. Since Applicant is an open-end investment company, it is prohibited by Section 18(f)(1) of the Act from issuing senior securities unless authorized by the vote of a majority of its outstanding voting securities. Section 18(g) of the Act, in pertinent part, defines the term, senior security, as any bond, debenture, note, or similar obligation or instrument constituting a security and evidencing indebtedness.

Section 22(f) of the Act prohibits a registered, open-end investment company from restricting the transferability or negotiability of any security of which it is the issuer unless

the restriction is disclosed in its registration statement and does not contravene rules and regulations prescribed by the Commission in the interests of the company's security holders. Section 22(g) of the Act generally prohibits a registered open-end investment company from issuing any of its securities for services or for property other than cash or securities.

Applicant states that these provisions of the Act, taken together, might be deemed to preclude the Applicant and its directors from implementing the Agreement, absent an exemptive order from the Commission.

Section 6(c) of the Act provides in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that the Agreement possesses none of the characteristics of senior securities which led Congress to the restrictions on the issuance of such securities set forth in Sections 18 and 13(a)(2) of the Act. In this regard, Applicant states that it would not be "borrowing" from its directors in the sense which concerned Congress and that all liabilities created by accruals under the Agreement would be offset by essentially equal assets of the Applicant which would not otherwise exist if the director's fees were paid on a current basis. Applicant further argues that the Agreement would not induce speculative investments by Applicant or provide opportunity for manipulative allocation of Applicant's expenses and profits; that control of the Applicant would not be affected; and, given the common existence of deferred compensation agreements today, the Agreement would not confuse investors, make it difficult for them to value the Applicant's shares or convey a false impression of safety.

With respect to the requested exemption from Section 22(f) of the Act Applicant states that the restriction on transferability of a director's benefits would be clearly set forth in the Agreement, would be included primarily to benefit the director and would not adversely affect the interests of the director or of any shareholder of

Applicant. Applicant further asserts that the Agreement would not have the effect of diluting the equity and voting power of its shareholders as prohibited by Section 22(g) of the Act. According to the application, the Agreement would merely provide for deferral of payment of such fees and thus may be viewed as being "issued" not in return for services but in return for the Applicant not being requested to pay such fees on a current basis.

Section 17(d) of the Act and Rule 17d-1 thereunder provide that it shall be unlawful, with certain exceptions not here applicable, for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in, or effect any transaction in connection with, any joint enterprise or arrangement in which any such registered company is a participant unless an application for an order of exemption regarding such arrangement has been granted by the Commission, and that in passing upon such an application, the Commission shall consider whether the participation of a registered investment company in such an arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which its participation is on a basis different from or less advantageous than that of other participants.

Applicant argues that the effect of the Agreement would merely be to defer the payment of fees which the Applicant would otherwise be obligated to pay on a current basis as services are performed by the director and therefore liabilities created by the accruals under the Agreement would be offset by an essentially equal increase in assets that would not otherwise exist if the director's fees were paid on a current basis. Applicant further submits that there is no expectation of profits being generated through the Applicant or other investments on behalf of the director since the Applicant would be undertaking no funding or investment commitment under the Agreement and the interest earned by the director during the deferral period would not be tied to the Applicant's investment performance but only to the objectively determinable prevailing interest rate applicable to 90-day Treasury bills.

For these reasons, Applicant contends that deferral of a director's fees in accordance with the Agreement would essentially maintain the parties, viewed both separately and in their relationship to one another, in the same position as if the fees were paid on a current basis. Applicant further expresses its view that

its ability to recruit and retain high qualified directors would be enhanced if it were able to offer its directors the option of deferred payment of their director's fees.

For all the reasons stated above, the Applicant requests that the Commission enter an order pursuant to Sections 6(c) and 17(d) of the Act and Rule 17d-1 thereunder, permitting the Agreement and the transactions to be effected by the Applicant and certain of its directors pursuant to the Agreement.

Notice is further given that any interested person may, not later than October 25, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-28043 Filed 10-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22650; 70-6777]

Connecticut Light and Power Co. and Western Massachusetts Electric Co.; Proposed Sale of Percentage Interest in Nuclear Generating Unit by Subsidiary Public Utility Companies to Nonaffiliates

In the matter of The Connecticut Light and Power Company, P.O. Box 270, Hartford, Connecticut 06101 and

Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089 (70-6777).

The Connecticut Light and Power Company ("CL&P"), and Western Massachusetts Electric Company ("WMECO"), electric utility subsidiaries of Northeast Utilities ("Northeast"), a registered holding company, have filed a declaration with this Commission pursuant to Section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder.

CL&P, WMECO and other New England utility companies are party to a sharing agreement dated September 1, 1973, as amended, ("Millstone Agreement") pursuant to which a nuclear generating unit, Millstone Unit No. 3 ("Millstone 3") is owned in designated percentage shares by the parties as tenants in common. Millstone 3 is being constructed in Waterford, Connecticut on the site of two other operating nuclear generating units, Millstone Units No. 1 and No. 2.

In accordance with the Millstone Agreement, CL&P and WMECO now own, respectively, a 52.65% (605.48 MW) and 12.350% (142.025 MW) interest, as tenants in common, in the site of Millstone 3 among with certain associated rights and contractual rights and obligations with respect to Millstone 3. Effective June 30, 1982, The Hartford Electric Light Company ("HELCO"), an affiliate of the applicants, merged with and into CL&P as authorized by Commission order dated April 23, 1982 (HCAR No. 22471). On that date, CL&P succeeded to HELCO's 18.2% (209.30 MW) interest in Millstone 3 and to HELCO's rights and obligations under the Millstone Agreement.

CL&P and WMECO have entered into agreements to sell portions of their respective ownership interest to Massachusetts Municipal Wholesale Electric Company ("MMWEC"), Vermont Electric Generating and Transmission Cooperative, Inc. ("VEGT"), Vermont Public Power Supply Authority ("VPPSA") and Washington Electric Cooperative, Inc. ("Washington"). The sales to MMWEC and VPPSA ("Purchasers") are exempt from Commission jurisdiction pursuant to Rule 44(b)(3) because of the Purchasers' relationship to the States of Massachusetts and Vermont, respectively.

The declarants seek Commission authorization to sell a 0.600% (6.90 MW) ownership interest in Millstone 3 to VEGT and a 0.139% (1.60 MW)

ownership interest to Washington. CL&P will be selling a .185% ownership interest (2.12 MW) and WMECO will be selling a .554% ownership interest (6.38 MW) to the Purchasers. The proposed sales are expected to occur at or before the end of the third quarter of 1982. The consideration to be received by the applicants from the Purchasers would be approximately \$11.1 million (\$2.8 for CL&P and \$8.3 for WMECO). The total investment of CL&P and WMECO in the Millstone 3 project as of June 30, 1982 (including HELCO's share on that date) was approximately \$720 million and \$170 million, respectively.

The proposed transfer is expected to reduce construction costs for CL&P and WMECO by approximately \$9.9 million for the period from October 1982 to May 1986, the expected commercial operation date. This savings is needed to balance their projected construction programs with their projected cash flow and financing capability.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 21, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-28040 Filed 10-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12694; 812-5268]

PepsiCo Capital Resources, Inc.; Filing of Application for an Order Exempting Applicant From All Provisions of the Act

September 28, 1982.

In the matter of PepsiCo Capital Resources, Inc., c/o John E. Young, Esq., Cravath, Swaine & Moore, One Chase

Manhattan Plaza, New York, NY 10005 (812-5268).

Notice is hereby given that PepsiCo Capital Resources, Inc. ("Applicant"), a wholly-owned subsidiary of PepsiCo, Inc. ("PepsiCo"), a Delaware corporation, filed an application on August 9, 1982, and an amendment thereto on August 14, 1982, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant was incorporated under the laws of Delaware in May, 1980, to provide financing for PepsiCo's domestic businesses, with its registered office at Frito-Lay Tower, Exchange Park, Dallas, Texas. All of its outstanding shares of capital stock are owned by PepsiCo, which is engaged through various divisions and subsidiaries in the following domestic and foreign business activities: beverages, food products, food service, transportation and sporting goods. Its products are marketed throughout the United States and over 145 foreign countries. Its capital stock is listed on the New York and Midwest Stock Exchanges.

At December 26, 1981, PepsiCo and its consolidated subsidiaries had total assets of \$4,057,061,000 and total liabilities of \$2,416,757,000. Total consolidated current assets were \$1,774,027,000 and its total consolidated current liabilities were \$1,368,411,000. For the fiscal year ended December 26, 1981, PepsiCo's consolidated net income was \$333,456,000 and total consolidated revenues for that period were \$7,027,443,000.

According to the application, Applicant's sole business is to provide funds to domestic subsidiaries of PepsiCo and, accordingly, substantially all of its assets consist of amounts receivable from such subsidiaries. Applicant has previously issued debt securities and wishes to be in a position to undertake the issuance and sale of additional debt securities in the United States ("Securities"). Payment of principal of and premium, if any, and interest on Securities will be granted by PepsiCo. PepsiCo's obligations under its guarantees will be absolute and unconditional, irrespective of any invalidity, irregularity or unenforceability of any such Security or any other circumstance which could otherwise constitute a legal or equitable discharge of a surety or guarantor.

Under those terms legal proceedings may be instituted directly against PepsiCo to enforce the guarantee of a Security without first proceeding against Applicant.

The application states that Applicant would advance to subsidiaries of PepsiCo substantially all of the proceeds of sales of Securities made by the Applicant. Applicant represents that none of the subsidiaries or affiliates receiving advances are or will be investment companies, as defined in the Act, nor will they be investing such funds in investment companies. Applicant further represents that, at the time of issuance and sale of Securities and so long as any of the Securities referred to are outstanding, Applicant will remain a wholly-owned subsidiary of PepsiCo and Applicant will own or hold no equity securities other than equity securities of PepsiCo subsidiaries.

In connection with the proposed offerings of Securities, Applicant makes the following representations: (1) Applicant and PepsiCo would, prior to any public offering of Securities in the United States not exempt from the registration requirements of the Securities Act of 1933 ("1933 Act"), file a registration statement under the 1933 Act with the Commission and would not sell such Securities until the registration statement was declared effective by the Commission and the related indenture was qualified under the Trust Indenture Act of 1939, and they would also comply with the prospectus delivery requirements of the 1933 Act in connection with the offering and sale of such Securities. (2) In case of an offering of Securities in the United States not requiring registration under the Act, Applicant and PepsiCo would undertake to provide to any offeree to whom they offer such Securities in the United States information at least as comprehensive as that customarily used in such offerings of such Securities in the United States. (3) Prior to any issuance of the Securities, the Securities shall have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and Applicant shall have certified to its counsel in writing that such rating has been received. However, no such rating shall be required to be obtained if in the opinion of counsel for Applicant an exemption from registration is available with respect to such issue of Securities under Section 4(2) of the 1933 Act. (4) Applicant undertakes not to make any material change in its business as described in the application without

giving prior notice of such change to the Commission and undertakes, if necessary, either to file a request for amendment or modification of the exemption or a request that the exemption be continued in effect or to notify the Commission that it will no longer rely upon the exemption.

Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with the undertakings regarding disclosure requirements.

Applicant states that it may be deemed an investment company under Section 3(a) of the Act because the proposed advances to PepsiCo subsidiaries may be deemed "investment securities" and would constitute more than 40% of Applicant's total assets. However, having been organized solely as a financing vehicle to facilitate financing PepsiCo's domestic subsidiaries, Applicant does not view itself as an investment company. In order to eliminate any doubt that it would be entitled, without registration under the Act, to issue and sell the securities, Applicant has applied for an exemption from all provisions of the Act pursuant to Section 6(c) of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or of any rule regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the exemptive relief requested, Applicant asserts, among other things, that it is clearly not a person within the intent of the Act. Functioning solely as a wholly-owned finance subsidiary of PepsiCo, Applicant is a vehicle which facilitates financing of PepsiCo's domestic subsidiaries and will advance to PepsiCo subsidiaries substantially all of the financing proceeds. The obligations of Applicant will be guaranteed unconditionally by PepsiCo with the effect that the holders of such Securities will be looking to PepsiCo as the ultimate obligor, and the terms of the guarantees will determine the nature of the investment. For these reasons, the purchase of Security issued and sold by Applicant will be the equivalent of purchasing obligations of PepsiCo. And since PepsiCo is not an

investment company within the meaning of the Act and would not be required to register under the Act prior to issuing its own debt securities, it is appropriate that the Applicant, as vehicle of PepsiCo, should be exempted from the requirements of the Act. Applicant therefore requests that the Commission enter an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act.

Notice is further given that any interested person may, not later than October 25, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-28042 Filed 10-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12693; 812-5249]

Shearson FMA Cash Fund et al.; Filing of Application

September 28, 1982.

In the matter of Shearson FMA Cash Fund, Shearson FMA Government Fund, Shearson FMA Municipal Fund, and Shearson Daily Tax-Free Dividend Inc., Two World Trade Center, New York, New York 10048 (812-5249).

Notice is hereby given that Shearson FMA Cash Fund, Shearson Government

Fund, Shearson FMA Municipal Fund and Shearson Daily Tax-Free Dividend Inc. ("Applicants"), open-end, diversified, management investment companies, registered under the Investment Company Act of 1940 ("Act"), filed an application on July 20, 1982, and an amendment thereto on September 20, 1982, requesting an order of the Commission pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Sections 13(a)(2), 18(f)(1), 22(f), and 22(g) of the Act in connection with their proposed deferred trustee's and director's (hereinafter "trustee's") fee agreements ("Agreements") with certain of their trustees, and pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder to permit certain joint transactions relating to the Agreements. Applicants represent that the trustees of new, registered investment companies organized and sponsored by Shearson/American Express Inc. ("Shearson") in the future may seek to adopt deferred compensation arrangements substantively identical to those for which relief is currently sought. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicants are no-load, diversified, open-end, investment companies of the type commonly known as "money market funds." They are distributed by Shearson as part of its Shearson/American Express Financial Management Account Program.

According to the application, Applicants each have seven-member boards of trustees, of whom three individuals of each board are interested persons of Shearson and do not receive trustee's fees. Applicants represent that each of the trustees who is not an interested person of Shearson currently receives \$1,000 from the Government Fund and the Municipal Fund and \$2,000 per year from the Tax-Free Fund and the Cash Fund and an additional \$500 plus expenses for attending board meetings and certain audit committee meetings.

The purpose of the Agreements, according to the application, is to permit one or more "non-interested" trustees of each Applicant to elect to defer receipt of the trustee's fees, in order to avoid diminution or loss of social security benefits to which the trustee may otherwise be entitled, to enable the trustee to defer payment of income taxes on such fees, or for other reasons. Applicants represent that participation in the deferred fee arrangements will be

limited to those trustees who are not "interested persons" of the Applicants within the meaning of Section 2(a)(19) of the Act.

Applicants state that the Agreements will allow an individual trustee to elect to defer receipt of all trustee's fees which otherwise would become payable to him for services performed after the date of the Agreements. Applicants further state that the deferred fees will be accrued to the trustee's benefit on a quarterly basis, based on the annual compensation rate of trustees in effect from time to time during the year. Applicants represent that the fees to be paid for attending meetings of a board or of an audit committee will be accrued on the business day following such a meeting. Applicants further represent that each installment will accrue interest at a variable rate until paid. Applicants submit that the rate of interest will be determined each calendar quarter on a prospective basis, and will be equivalent to the prevailing average net yield of each respective Applicant for the immediately preceding calendar quarter.

According to the application, deferred trustees' fees and any interest thereon will become payable in cash upon termination of the trustee's service in such capacity, in a lump sum or in such number of annual installments as shall be determined by the Applicants, each in its sole discretion. Deferred amounts will continue to accrue interest until paid. Applicants state that in the event of a trustee's death, amounts payable to him under an Agreement will thereafter be payable to his designated beneficiary; in all other events, the trustee's right to receive payments will be non-transferable.

Applicants state that their respective obligations to make payments of amounts accrued under the Agreements will be general unsecured obligations payable solely from their respective general assets and property. Applicants represent that none of their shares will be purchased for any trustee's account with such amounts, nor will any special fund or separate account be established for such amounts.

Applicants submit that deferral of trustees' fees in accordance with the Agreements will have a negligible effect on Applicants' assets, liabilities, net assets and net income per share. Moreover, Applicants state that the Agreements will not obligate Applicants to pay any (or any particular level of) trustee's fees to any trustee.

Section 18(f)(1) of the Act prohibits any registered, open-end, management investment company from issuing senior

securities except in connection with a bank borrowing. Since Applicants are open-end investment companies, they are prohibited by Section 18(f)(1) from issuing senior securities unless authorized by the vote of a majority of its outstanding voting securities. Section 18(g) of the Act, in pertinent part, defines the term "senior securities" as any bond, debenture, note, or similar obligation or instrument constituting a security and evidencing indebtedness.

Section 22(f) of the Act prohibits a registered, open-end investment company from restricting the transferability or negotiability of any security of which it is the issuer unless the restriction is disclosed in its registration statement and does not contravene rules and regulations prescribed by the Commission in the interests of the company's security holders. Section 22(g) of the Act generally prohibits a registered, open-end investment company from issuing any of its securities for services or for property other than cash or securities.

Section 6(c) of the Act provides, in pertinent part, that the Commission may, by order or application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that the Agreements possess none of the characteristics of senior securities which led Congress to enact the restrictions on the issuance of such securities set forth in Sections 18 and 13(a)(2) of the Act. In this respect, Applicants submit that it would not be "borrowing" from its directors in the sense which concerned Congress and that all liabilities created by accrual under the Agreements would be offset by essentially equal assets of the Applicants which would not otherwise exist if the trustee's fees were paid on a current basis. Applicants further contend that the Agreements would not induce speculative investments by Applicants or provide opportunity for manipulative allocation of Applicant's expenses and profits; that control of the Applicants would not be affected; and, given the common existence of deferred compensation agreements today, the Agreements would not confuse investors, make it difficult for them to

value the Applicant's shares or convey a false impression of safety.

With respect to the requested exemption from Section 22(f) of the Act, Applicants submit that the restriction on transferability of a trustee's benefits would be clearly set forth in the Agreements, would be included primarily to benefit the trustee and would not adversely affect the interest of the trustee or of a shareholder of any Applicant. Applicants further argue that the Agreements would not have the effects of diluting the equity and voting power of its shareholders as prohibited by Section 22(g) of the Act. According to the Applicants, the Agreements would merely provide for deferral of payment of such fees and thus may be viewed as being "issued" not in return for services but in return for the Applicants not being required to pay such fees on a current basis.

Section 17(d) of the Act and Rule 17d-1 thereunder provide that it shall be unlawful, with certain exceptions not here applicable, for an affiliated person of a registered investment company or any affiliated person of such person to participate in, or effect any transaction in connection with, any joint enterprise or arrangement in which any such registered company is a participant unless an application for an order of exemption regarding such arrangement has been granted by the Commission, and that in passing upon such an application, the Commission shall consider whether the participation is on a basis different from or less advantageous than that of other participants.

Applicants assert that the effect of the Agreements would merely be to defer the payment of fees which the Applicants would otherwise be obligated to pay on a current basis as services are performed by the trustees and therefore liabilities created by the accruals under the Agreements would be offset by essentially equal assets of the Applicants which would not otherwise exist if the trustees' fees were paid on a current basis. Applicants submit that there is no expectation of profits being generated through the Applicants or other investments on behalf of a trustee since the Applicants would be undertaking no funding or investment commitment under the Agreements and the interest earned by the trustee during the deferred period would be tied to each Applicant's investment return during the immediately preceding quarter.

For these reasons, Applicants assert that deferral of a trustee's fees in

accordance with the Agreements would essentially maintain the parties, viewed both separately and in their relationship to one another, in the same position as if the fees were paid on a current basis. On a comparative basis, contend the Applicants, deferral would have a negligible effect on the assets, liabilities, net assets and net income per share of each Applicant, since the total fees paid to each trustee eligible for deferral are *de minimus* in comparison to the size of each Applicant's assets. Applicants further assert that their ability to recruit and retain highly qualified trustees would be enhanced if they were able to offer their trustees the option of deferred payment of trustee's fees. Applicants contend that this benefit to themselves and their shareholders outweighs any tax, social security or other benefit that may be realized by an individual trustee under the proposed Agreements.

For all the reasons stated above, the Applicants request that the Commission enter an order pursuant to Section 6(c), 13(a)(2), 17(d), 18(f)(1), 22(f), and 22(g) of the Act and Rule 17(d) thereunder, permitting the Agreements and the transactions to be effected by the Applicants and certain of its trustees pursuant to those Agreements.

Notice is hereby given that any interested person may, not later than October 25, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-28038 Filed 10-12-82; 8:45 am]

BILLING CODE 8010-01-M

Southern Natural Gas Co.; Application and Opportunity for Hearing

September 29, 1982

Notice is hereby given that Southern Natural Gas Company (a Delaware corporation) ("Southern") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Manufacturers Hanover Trust Company ("Manufacturers") under the indenture referred to in paragraph 1 below, which has been qualified under the Act, and under the trust indenture referred to in paragraph 2 below, which does not require qualification under the Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as Trustee under either of such indentures.

Section 310(b) of the Act provides, *inter alia*, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such Section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of such subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeships under the indentures are not so likely to involve a material conflict of interest as to make it necessary to disqualify such trustee from acting as trustee under any such indentures.

Southern alleges that:

1. On September 17, 1982, the Commission declared effective the Registration Statement (File No. 2-79358) of Southern, and qualified under the Act an indenture, dated as of September 1, 1982, between Southern

and Manufacturers, as Trustee (the "Southern Indenture"), pursuant to which Southern may issue from time to time in one or more series its unsecured debentures, notes or other evidences of indebtedness.

2. Bear Creek Capital Corporation ("Bear Creek Capital"), a Delaware corporation formed and wholly-owned by Bear Creek Storage Company ("Bear Creek Storage"), a Louisiana partnership composed of Southern Gas Storage Company, a Delaware corporation and a wholly-owned subsidiary of Southern, and Tennessee Storage Company, a Delaware corporation, has entered into a Trust Indenture, dated as of September 15, 1981 (the "Bear Creek Capital Indenture"), with Manufacturers, as Trustee, and T.C. Crane, as Co-Trustee, pursuant to which Bear Creek Capital issued an aggregate principal amount of \$135,000,000 of its 9% Secured Notes, Series A due November 1, 2000 and \$30,000,000 of its 14% Secured Notes, Series B due November 1, 2000 (collectively, the "Notes"). Inasmuch as the Notes were offered and sold in a private placement to a single institutional investor in reliance upon the representations of the purchaser that it was purchasing the Notes for investment and not with a view for resale, the Notes were not registered under the Securities Act of 1933, as amended, and the Bear Creek Capital Indenture was not qualified under the Trust Indenture Act of 1939. The Notes are secured, *inter alia*, by an assignment to the Trustees by Bear Creek Capital of its rights under a Service Agreement, dated June 1, 1981, between Bear Creek Storage and Southern (the "Service Agreement"), assigned by Bear Creek Storage to Bear Creek Capital pursuant to a Pledge and Assignment of Rights Under Service Agreement, dated as of September 15, 1981, between Bear Creek Capital and Bear Creek Storage, consented to by Southern in a Consent and Agreement to Pledge and Assignment, dated as of September 15, 1981, executed by Southern and Tennessee Gas Pipeline Company (the "Consent"). The Consent provides that the obligation of Southern to pay the charges due under the Service Agreement is absolute and unconditional. The obligations of Southern under the Service Agreement and under the Consent are unsecured. Such obligations rank equally and on a par with the obligations of Southern in respect of its Securities under the Southern Indenture.

3. The Southern Indenture contains the provisions required by Section 310(b) of the Act.

Southern respectfully requests that the Commission find and declare by order that the continued trusteeship of Manufacturers under the Bear Creek Capital Indenture would not be so likely to involve any material conflict of interest as to make it necessary in the public interest or for the protection of investors that Manufacturers be disqualified from acting as Trustee under the Southern Indenture, if Manufacturers were to continue to act as Trustee under the Bear Creek Capital Indenture.

Southern has waived notice of hearing, and waives hearing, in connection with the matter referred to herein.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, Judiciary Plaza, 450 5th Street, NW., Washington, D.C.

Notice is further given that any interested person may, not later than October 29, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-28046 Filed 10-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12692; 811-1265]

**United Life Insurance Securities Corp.;
Proposal To Terminate Registration
Pursuant to Section 8(f) of the Act**

September 28, 1982.

In the matter of United Life Insurance Securities Corporation. (Formerly, United Life Insurance Investors Corporation), 1010 West Farr Street, Tucson, Arizona 85705 (811-1265).

Notice is hereby given that the Commission proposes, pursuant to

Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that United Life Insurance Securities Corporation ("Fund"), an Arizona corporation, registered under the Act as a closed-end, diversified management investment company, has ceased to be an investment company as defined by the Act.

Information contained in the files of the Commission indicates that the Fund registered with the Commission on May 20, 1964 under the name United Life Insurance Investors Corporation. According to the Arizona Corporation Commission, the Fund's certificate of incorporation and license to do business, issued under its present name, were revoked by order dated June 20, 1967. Furthermore, the Commission's files indicate that the Fund has failed to file the registration statement required by the Act, that the Fund has not made filings required by the Act and that attempts to locate the Fund and its principals have been unsuccessful.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 22, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the proposal accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the proposal will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the

hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons
Secretary.

[FR Doc. 82-28039 Filed 10-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19088; File No. SR-NYSE-82-15]

**Self-Regulatory Organizations;
Proposed Rule Change by New York
Stock Exchange, Inc. Relating to
Modification of Current Initiation Fee
Structure**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on September 24, 1982, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's
Statement of the Terms of Substance of
the Proposed Rule Change**

The proposed rule change consists of an amendment to Rule 301. Under the proposal, a membership may be transferred under option (c) of an "a-b-c" agreement to a member organization's officer, partner or employee who is not active on the floor of the exchange with payment of the usual initiation fee to the exchange. If, however, within 90 days of this first transfer, the membership is retransferred in accordance with the proposed rule change to an officer, partner or employee who is to "work" the membership on the floor of the exchange, there will be no initiation fee payable with respect to the second transfer.

**II. Self-Regulatory Organization's
Statement of the Purpose of, and
Statutory Basis for the Proposed Rule
Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The self-regulatory organization has prepared summaries, set forth in sections (A), (B)

and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Exchange is proposing to amend Rule 301 to provide a more flexible time frame in which a member organization must designate another member to work a membership, when the final designee is not readily ascertainable. It will provide a continuity of personnel on the trading floor of the Exchange by decreasing the turnover of new members for the member organization.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate to further the purposes of the Act. The proposed rule change will excuse the payment of an initiation fee otherwise payable to the Exchange under its rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- By order approve such proposed rule change, or
- Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed

with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 29, 1982.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-28045 Filed 10-12-82; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges in Certain Securities and Opportunity for Hearing

September 29, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Zimmer Corporation
Common Stock, \$1 Par Value (File No. 7-6323)
Enstar Corporation
Common Stock, \$1 Par Value (File No. 7-6324)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 21, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such

applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-28041 Filed 10-12-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region IX—Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Honolulu, Hawaii, will hold a public meeting on Wednesday, December 1, 1982, at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Room 7323 (7th Floor), Honolulu, Hawaii, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call David K. Nakagawa, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, Room 2213, Honolulu, Hawaii 96850, (808) 546-8950.

Jean M. Nowak,
Acting Director, Office of Advisory Councils.
October 7, 1982.

[FR Doc. 82-28145 Filed 10-12-82; 8:45 am]

BILLING CODE 8025-01-M

Region X—Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Spokane, Washington, will hold a public meeting at 9:30 a.m., on Friday, October 29, 1982, in the Elizabethan Room on the Mezzanine of the Davenport Hotel, West 807 Sprague Avenue, Spokane, Washington, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Valmer W. Cameron, District Director, U.S. Small Business Administration, Room 651 U.S. Courthouse Building, Post Office Box 2167, Spokane, Washington, 99210—(509) 456-3781.

Jean M. Nowak,
Acting Director, Office of Advisory Councils.
October 7, 1982.

[FR Doc. 82-28146 Filed 10-12-82; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 198

Wednesday, October 13, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Thursday, October 14, 1982 10 a.m.

LOCATION: Third Floor Hearing Room, 1111—18th Street, N.W., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

Kerosene Heaters

The staff will brief the Commission on the status of the kerosene heater project. Representatives from industry and other organizations will participate in the briefing.

CONTACT PERSON FOR ADDITIONAL

INFORMATION: Sheldon D. Butts, deputy secretary, Office of the Secretary, Room 342, 5401 Westbard Avenue, Bethesda, MD (301) 492-6800.

[S-1456-82 Filed 10-8-82; 3:58 pm]

BILLING CODE 6355-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, October 18, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of the minutes of previous meetings.

Application for consent to merge and establish four branches:

American Bank and Trust Co. of Pa., Reading, Pennsylvania, for consent to merge, under its charter and title, with The Valley Trust Company of Palmyra, Pa., Palmyra, Pennsylvania, and for consent to establish the four offices of The Valley Trust Company of Palmyra, Pa. as branches of the resultant bank.

Recommendations regarding the liquidation of the bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,436-L—The Hamilton Bank and Trust Company, Atlanta, Georgia
Memorandum and Resolution re: United States National Bank, San Diego, California

Memorandum and Resolution re: Final amendments to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," which will provide a narrow exception to the 14-day minimum maturity requirement in the definition of time deposits in order to conform Part 329 to section 1204.121 of the Depository Institutions Deregulation Committee's regulations authorizing a time deposit with a maturity of 7 to 31 days.

Memorandum and Resolution re: Semiannual Agenda of Regulations.
Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Office of Corporate Audits:

Memorandum re: Office of Corporate Audits' Quarterly Certification of Division of Liquidation Approvals Under Delegated Authority

Discussion Agenda:

Memorandum and Resolution re: Recommendation to withdraw proposed Part 350 of the Corporation's rules and regulations, entitled "Special Reporting Basis for Insured Savings Banks," which would have (1) required all insured savings banks to report all debt and equity securities acquired on or after January 1, 1983 on a current value basis for purposes of preparing their Reports

of Condition and Income that are filed with the FDIC, and (2) permitted insured savings banks to defer and amortize gains and losses on dispositions of financial assets acquired prior to January 1, 1983.

The meeting will be held in the Board Room on the sixth floor of the FDIC building located at 550—17th Street, N.W., Washington D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary for the Corporation at (202) 389-4425.

Dated: October 8, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1454-82 Filed 10-8-82; 3:16 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, October 18, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note: Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to establish a foreign branch:

The Savings Bank of Baltimore, Baltimore, Maryland, for consent to establish a branch at George Town, Grand Cayman, Cayman Islands, British West Indies.

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation at (202) 389-4425.

Dated: October 8, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-1455-82 Filed 10-8-82; 3:16 pm]

BILLING CODE 6714-01-M

4

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, October 20, 1982.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th & Constitution Avenue, NW., Washington, D.C. 20423.

STATUS: Closed Special Conference.

The Commission unanimously voted to close this conference because it is likely to disclose investigatory records or information compiled for law enforcement purposes the production of which would interfere with enforcement proceedings, within the meaning of 5 U.S.C. 552b(c)(7)(A) and 49 CFR 1012.7(d)(7), and because it is likely to disclose information the premature disclosure

of which would significantly frustrate implementation of agency action, within the meaning of 5 U.S.C. 552b(c)(9)(B) and 49 CFR 1012.7(d)(9).

In addition to the Commission, the following staff will be in attendance:
Office of Compliance and Consumer Assistance
Director J. Warren McFarland
Associate Director Bernard Gaillard
Six Regional Directors

MATTER TO BE CONSIDERED:
Enforcement Policy.

CONTACT PERSON FOR MORE INFORMATION:

Robert R. Dahlgren, Director, Office of Public Affairs, Telephone: (202) 275-7252.

[S-1452-82 Filed 10-8-82; 12:22 pm]

BILLING CODE 7035-01-M

5

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 10 a.m., Friday, October 8, 1982.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy)

MATTERS TO BE CONSIDERED: Status of and personnel matters relating to the Puerto Rico Regional Office

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale,

Executive Secretary, Washington, D.C. 20570, Telephone: (202) 254-9430.

Dated, Washington, D.C., October 7, 1982.
National Labor Relations Board.

John C. Truesdale,
Executive Secretary.

[S-1451-82 Filed 10-7-82; 4:14pm]

BILLING CODE 7545-01-M

6

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters).

TIME AND DATE: 10 a.m., Wednesday, October 13, 1982.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble,

Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

[S-1463-82 Filed 10-8-82; 2:55 pm]

BILLING CODE 4410-01-M

7

SYNTHETIC FUELS CORPORATION.

ENTITY: United States Synthetic Fuels Corporation.

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held at the time, date and place specific below. This announcement is made pursuant to the requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings. During the meeting, the Board of Directors will consider a resolution to close the meeting pursuant to Article II Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and Sections 4 and 5 of the said policy.

MATTERS TO BE CONSIDERED

Open Session

1. Minutes of Prior Meeting.
2. Report of Compensation Committee (Benefit Plans).
3. Resolution to Close the Meeting.

Closed Session

1. Financial Assistance Negotiating Strategies.
2. Selection Criteria: Alternative to General Solicitation.

TIME AND DATE: 8:30 a.m., October 18, 1982.

PLACE: Board Room, U.S. Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586.

United States Synthetic Fuels Corporation.

Dated: October 12, 1982.

Edward E. Noble,

Chairman of the Board of Directors

[S-1463-82 Filed 10-12-82; 12:44 pm]

BILLING CODE 0000-00-M

Best Management Practices

Wednesday
October 13, 1982

Part II

Environmental Protection Agency

Coal Mining Point Source Category;
Effluent Limitations Guidelines for
Existing Sources and Standards of
Performance for New Sources; Final Rule

ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 434

[WH-FRL2202-6]

Coal Mining Point Source Category;
Effluent Limitations Guidelines for
Existing Sources and Standards of
Performance for New SourcesAGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: These regulations limit the discharge of pollutants into navigable waters from existing and new sources in the coal mining industry.

The Clean Water Act and a consent decree require EPA to issue this regulation.

The purpose of this regulation is to amend the previously promulgated "best practicable technology" (BPT) and "new source performance standards" (NSPS) and establish effluent limitation guidelines for "best available technology economically achievable" (BAT) for direct dischargers.

Pretreatment standards for both existing and new sources are not being issued since no known indirect dischargers exist nor are any known to be planned. Effluent limitations for "best conventional technology" (BCT) are reserved pending finalization of the BCT cost methodology.

DATES: In accordance with 40 CFR 100.01 (45 FR 26048), the regulations developed in this rulemaking shall be considered issued for purposes of judicial review at 1:00 p.m. Eastern time on October 27, 1982. These regulations shall become effective November 26, 1982, except for § 434.25(b) which contains information collection requirements which are under review at OMB.

Under Section 509(b)(1) of the Clean Water Act judicial review of these regulations is available only by filing a petition for review in the United States Court of Appeals within ninety days after these regulations are considered issued for purpose of judicial review. Under Section 509(b)(2) of the Clean Water Act, the requirements of the regulations promulgated today may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Those portions of the existing coal mining effluent guidelines limitations and standards that are not substantively amended by this notice are not subject to judicial review nor is their effective date altered by this notice.

ADDRESSES: The basis for this regulation is detailed in three major documents. See section XVII, "Availability of Technical Information" under Supplementary Information for a brief description of each document.

Technical information may be obtained by writing to William A. Telliard, Effluent Guidelines Division (WH-552), EPA, 401 M Street SW., Washington, D.C. 20460, or by calling (202) 382-7131. Copies of the technical and economic documents can be obtained from the National Technical Information Service, Springfield, Virginia 22161 (703/487-6000).

The record will be available to the public [45 days from publication date] in EPA's Public Information Reference Unit, Room 2004 (Rear) (EPA Library), 401 M Street SW., Washington, D.C. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:
Dennis Ruddy or Allison Phillips, (202) 382-7167

SUPPLEMENTARY INFORMATION:**Organization of this Notice**

- I. Legal Authority
- II. Scope of This Rulemaking
- III. Summary of Legal Background
 - A. Clean Water Act: 1. BPT; 2. BAT; 3. BCT; 4. NSPS; 5. PSES & PSNS
 - B. Prior EPA Coal Mining Regulations
- IV. Technology Overview
 - A. Overview of the Industry
 - B. Wastewater Sources
 - C. Treatment Technology
- V. Data Gathering Efforts
- VI. Summary of Proposal, Response to Major Comments, Final Rule
 - A. BPT
 - B. BCT: 1. Proposed Regulations; 2. Final Rule
 - C. BAT: 1. Proposed Regulations; 2. Response to Major Comments; 3. Final Rule
 - D. NSPS: 1. Mines
 - a. Proposed Regulation
 - b. Final Rule
 2. Coal Preparation Plants and Associated Areas: a. Proposed Regulation; b. Response to Major Comments; c. Final Rule
 3. Definition of New Source: a. Proposed Regulation; b. Final Rule
 - E. Applicability of Regulation
 1. Western Mines: a. Proposed Regulation; b. Final Rule
 2. Post Mining Discharges: a. Proposed Regulation; b. Rationale for Regulating Post-Mining Regulations Prior to SMCRA Bond Release; c. Rationale for Not Regulating Post-Mining Discharges after SMCRA Bond Release; d. Final Rule
 - F. Alternate Limitations for Storms
 1. Proposed Regulation
 2. Response to Major Comments; a. Regulation of Settleable Solids Instead of TSS; b. Pond Design Criteria; c.

- Settleable Solids Limitations; d. pH Limitations
3. Final Rule
- VII. Regulated Pollutants
 - A. Amended BPT
 - B. BAT
 - C. NSPS
- VIII. Pollutants Not Regulated
- IX. Costs and Economic Impacts
 - A. BPT/BAT
 - B. NSPS
- X. Non-Water Quality Aspects of Pollution Control
 - A. Air Pollution
 - B. Solid Wastes
 - C. Energy Requirements
- XI. Best Management Practices
- XII. Upset and Bypass Provisions
- XIII. Variances and Modifications
- XIV. Relationship to NPDES Permits
- XV. Public Participation
- XVI. Small Business Administration (SBA) Financial Assistance
- XVII. Availability of Technical Assistance
- XVIII. Reporting Requirements
- Appendices

I. Legal Authority

These regulations are being promulgated under the authority of Sections 301, 304, 306, 307, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 *et seq.*, as amended by the Clean Water Act of 1977, Pub. L. 95-217) also called the "Act." These regulations are also being promulgated in response to the Settlement Agreement in *Natural Resources Defense Council, Inc. v. Train*, 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979).

II. Scope of this Rulemaking

The coal mining industry is included within the U.S. Department of Commerce, Bureau of the Census, Standards Industrial Classification (SIC) 111 for Anthracite Mining and 121 for Bituminous Coal and Lignite Mining. The final regulation applies to subgroups 1111 Anthracite, 1112 Anthracite Mining Services, 1211, Bituminous Coal and Lignite, and 1213 Bituminous Coal and Lignite Mining Services.

As a result of the Clean Water Act of 1977, the emphasis of EPA's program has shifted from "classical" pollutants to the control of a list of toxic substances. Therefore, in this rulemaking, EPA's efforts are primarily directed toward ensuring the achievement of limitations based upon the best available technology economically achievable (BAT) by July 1, 1984.

EPA today is amending the previously promulgated NSPS and BPT for the coal mining industry and in addition to promulgating BAT limitations equal to the revised BPT limitations.

III. Summary of Legal Background

A. Clean Water Act

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 101(a). To implement the Act, EPA was to issue effluent standards, pretreatment standards, and new source performance standards for industry discharges.

The Act included a timetable for issuing these standards. However, EPA was unable to meet many of the deadlines and, as a result, in 1976, was sued by several environmental groups. In settling this lawsuit EPA and the plaintiffs executed a court-approved "Settlement Agreement". This Agreement required EPA to develop a program and adhere to a schedule in promulgating effluent limitations guidelines and pretreatment standards for 65 "priority" pollutants and classes of pollutants, for 21 major industries. See *Natural Resources Defense Council, Inc. v. Train*, 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979).

Many of the basic elements of this Settlement Agreement program were incorporated into the Clean Water Act of 1977. Like the Agreement, the Act stressed control of toxic pollutants, including the 65 "priority" pollutants. In addition, to strengthen the toxic control program, Section 304(e) of the Act authorizes the Administrator to prescribe "best management practices" (BMOs) to prevent the release of toxic and hazardous pollutants from plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage associated with, or ancillary to, the manufacturing or treatment process.

Under the Act, the EPA program is to set a number of different kinds of effluent limitations. These are discussed in detail in the proposed regulation and Development Document. The following is a brief summary:

1. *Best Practicable Control Technology (BPT)*. BPT limitations are generally based on the average of the best existing performance by plants of various sizes, ages, and unit processes within the industry or subcategory.

In establishing BPT limitations, we consider the total cost of applying the technology in relation to the effluent reduction derived, the age of equipment and facilities involved, the process employed, the engineering aspects of the control technologies, process changes, and non-water-quality environmental impacts (including energy requirements). We balance the total cost of applying

the technology against the effluent reduction.

2. *Best Available Technology (BAT)*. BAT limitations, in general, represent the best existing performance in the industrial subcategory or category. The Act establishes BAT as the principal national means of controlling the direct discharge of toxic and nonconventional pollutants to navigable waters.

In arriving at BAT, the Agency considers the age of the equipment and facilities involved, the process employed, the engineering aspects of the control technologies, process changes, the cost of achieving such effluent reduction, and non-water-quality environmental impacts. The Administrator retains considerable discretion in assigning the weight to be accorded these factors.

3. *Best Conventional Pollutant Control Technology (BCT)*. The 1977 Amendments added Section 301(b)(2)(E) to the Act establishing "best conventional pollutant control technology" (BCT) for discharge of conventional pollutants from existing industrial point sources. Conventional pollutants are those defined in Section 304(a)(4) [biological oxygen demanding pollutants (BOD5), total suspended solids (TSS), fecal coliform and pH], and any additional pollutants defined by the Administrator as "conventional" [oil and grease, 44 FR 44501, July 30, 1979].

BCT is not an additional limitation but replaces BAT for the control of conventional pollutants. In addition to other factors specified in section 304(b)(4)(B), the Act requires that BCT limitations be assessed in light of a two part "cost-reasonableness" test. *American Paper Institute v. EPA*, 660 F. 2d 954 (4th Cir. 1981). The first test compares the cost for private industry to reduce its conventional pollutants with the costs to publicly owned treatment works for similar levels of reduction in their discharge of these pollutants. The second test examines the cost-effectiveness of additional industrial treatment beyond BPT. EPA must find that limitations are "reasonable" under both tests before establishing them as BCT. In no case may BCT be less stringent than BPT.

EPA published its methodology for carrying out the BCT analysis on August 29, 1979 (44 FR 50732). In the case mentioned above, the Court of Appeals ordered EPA to correct data errors underlying EPA's calculation of the first test, and to apply the second cost test. (EPA had argued that a second cost test was not required). BCT for this regulation is reserved pending finalization of the BCT cost methodology.

4. *New Source Performance Standards (NSPS)*. NSPS are based on the best available demonstrated technology. These standards apply to all pollutants: toxic, conventional and nonconventional. New plants have the opportunity to install the best and most efficient production processes and wastewater treatment technologies.

5. *Pretreatment Standards for Existing Sources (PSES), and Pretreatment Standards for New Sources (PSNS)*. Pretreatment standards (PSES & PSNS) are designed to control the discharge of pollutants into publicly owned treatment works. Pretreatment standards were not proposed for the coal mining category since no known indirect dischargers exist nor are any known to be planned. Coal mines are located in rural areas, generally far from a POTW. EPA expects that the cost of pumping coal mine wastewater to a POTW would be prohibitive in most cases, and on-site treatment is more cost effective in virtually every instance.

B. Prior EPA Coal Mining Regulations

On October 17, 1975, EPA proposed Regulations adding Part 434 to Title 40 of the Code of Federal Regulations (40 FR 48830). These regulations, with subsequent amendments, established effluent limitations guidelines based on the use of the best practicable control technology currently available (BPT) for existing sources in the coal mining point source category. These were followed, on April 26, 1977, by final BPT effluent limitations guidelines for this category (42 FR 21380).

On September 19, 1977, the Agency published proposed standards of performance for new sources (NSPS) within this industrial category based on application of the best available demonstrated control technology (42 FR 46932). On January 12, 1979, EPA promulgated final NSPS for this industry (44 FR 2586).

Both the BPT and NSPS regulations contained an exemption from otherwise applicable requirements during and immediately after precipitation events. These storm exemptions were re-examined, subjected to further public comment and ultimately revised on December 28, 1979 (44 FR 76788).

Moreover, the NSPS regulations contained a definition of "new source coal mine" which was challenged by petitioners in *Pennsylvania Citizens Coalition v. EPA*, 618 F. 2d 991 (3rd Cir. 1980). In response to the Court's decision in that case, the Agency amended its definition of a "new source coal mine" on June 27, 1980 (45 FR 43413).

On January 13, 1981, amendments to the NSPA and BPT regulations and effluent limitations based on BAT and BCT were proposed (46 FR 3136). On May 29, 1981 the proposal was amended to change the criteria for the "storm exemption" (46 FR 28873).

After consideration of public comment (summarized in Section VI of this notice and detailed in the comments-response document), revised BPT and NSPS, and new BAT effluent limitations guidelines and standards are being promulgated today.

IV. Technology Overview

A. Overview of the Industry.

The coal mining industry currently operates in 26 states in Appalachia, the Midwest, and the Mountain and Pacific regions. There were 6,300 mines in 1980. There are currently about 540 coal preparation plants using wet coal cleaning methods in the country.

Total coal production in the United States in 1980 was 830,000,000 short tons.

In the 1920's underground mining accounted for nearly all coal production, and surface mining accounted for virtually none. By 1980, underground mining accounted for only 40.3 percent of all domestic production, with surface mining accounting for the rest.¹ This rapid growth of surface mining was made possible by improved machinery and mining methods, the general geology of the coal fields, and the expansion of the western, surface-mined, coal fields.¹

B. Wastewater Sources.

Water is not used in, and in fact interferes with, the mining of coal. The major sources of wastewater in the coal mining industry are: (1) Surface runoff and groundwater discharged from the active mine area; (2) wastewater generated by the removal of impurities from raw coal in preparation plants; (3) precipitation-induced runoff in preparation plant associated areas; and (4) runoff generated from reclamation areas and discharges from underground mines after mining ceases. Coal mine wastewater flows range from zero to over 12 million gallons per day (MGD), with an average discharge flow of approximately one MGD.

Process water used for coal cleaning can be correlated with production for any given preparation plant. However, most facilities commingle preparation plant wastewater with runoff from the associated areas, making correlation of wastewater flows with production

¹Nielsen, George, ed., 1981 *Keystone Coal Industry Manual*, McGraw-Hill, New York, New York, 1981

infeasible for purposes of an effluent regulation.

C. Treatment Technology.

Current technologies employed by coal mines and coal preparation plants to achieve BPT limitations for wastewater treatment typically include:

(a) Neutralization, aeration (where required), flocculation (where required), and sedimentation for acid mines; (b) aeration (where required), flocculation (where required), and sedimentation for alkaline mines; (c) neutralization (where required), flocculation (where required) and sedimentation for preparation plants and associated areas.

Neutralization is the addition of lime or another alkaline chemical to counteract the acidity. The resulting increase in pH (a measure of the acidity) causes the metal ions to chemically react to its hydroxide form which is insoluble and can be settled from the wastewater. Aeration involves the turbulent introduction of air into the wastewater to cause a series of chemical reactions that result in oxidation of certain metal ions and their enhanced precipitation (formation of solids). Flocculation is the addition of a compound that enhances agglomeration of solids, thus increasing their settling rate. Sedimentation involves containing the wastewater in a tank or basin for a sufficient amount of time to allow the solids to settle to the bottom.

V. Data Gathering Efforts

The data gathering efforts and methodology used in developing the proposed regulations were summarized in the "Preamble to the Proposed Coal Mining Point Source Category; Effluent Limitations Guidelines for Existing Sources, Standards of Performance for New Source and Pretreatment Standards" (46 FR 3136, January 13, 1981). The *Development Document for Effluent Limitations Guidelines and Standards for the Coal Mining Point Source Category* is the technical basis for this regulation. The Development Document includes new data acquired since January 1981. This new data includes results from (1) *Coal Mine Drainage Precision and Accuracy Determination for Settleable Solids at Less Than 1 ml/l*, and (2) *Coal Mining Industry Self-Monitoring Program*.

The Agency proposed in January 1981 (later amended in May 1981), to establish settleable solids and pH limitations for the coal mining industry during precipitation events and also for coal mining areas undergoing reclamation. The settleable solids and pH limitations were proposed as 0.5 ml/l and 6-9 respectively. The two studies

referenced above were performed to supplement the previously acquired data² supporting these alternate limitations.

VI. Summary of Proposal, Response to Major Comments, and Final Rule.

On January 13, 1981, and as later amended on May 29, 1981, EPA proposed BAT and BCT limitations and proposed revisions and amendments to existing BPT limitations and NSPS. A detailed description of the factors affecting the development of the proposed rule and the regulatory options considered is contained in the preamble to the January 13 proposal (46 FR 28873). To summarize briefly, the proposed rule set BAT, BCT, and NSPS equal to BPT except that a zero discharge limitation was proposed for new source coal preparation plants. The reader is directed to the preambles to the January 1981 proposal and subsequent May 1981 amendment for more detailed discussions of the substantive changes the proposal made to prior coal mining regulations. With the following three exceptions, the changes proposed in May 1981 are being adopted by today's action: (1) The design criteria to qualify for alternate limitations for rainfall events is deleted; (2) An allowance is made to the NSPS for coal preparation plants for necessary purges and blowdowns; and (3) BCT regulations are being reserved pending finalization of the EPA BCT cost methodology. These new changes have been incorporated into the final regulation as a result of comments received since proposal and as a result of further evaluation based on data collected since proposal.

The Agency received 56 comments on the proposed regulations from the industry, state and federal agencies, environmental organizations, and concerned individuals. Five major issues were identified from an evaluation of the comments, and these issues are addressed below. Responses to all of the comments are contained in a separate document available in the rulemaking record which will be filed in the Public Information Reference Unit at the EPA Library, 401 M St., S.W., Washington, D.C. 20460.

A. BPT

The amendments to BPT involving the "storm exemption", regulation of post-mining discharges, and western mines,

²Skelly & Loy, "Evaluation of Performance Capability of Surface Mine Sediment Basins", Harrisburg, PA, 1979, and also D'Appolonia Consulting Engineers, Inc. "Evaluation Sedimentation Pond Design Relative to Capacity & Effluent Discharge," Pittsburgh, PA, 1979.

are described below in E and F of this section.

B. BCT

1. *Proposed Regulation.* The proposed regulation recommended that BCT be set equal to BPT for the removal of TSS and pH control.

2. *Final Rule.* BCT for the final rule is being reserved pending finalization of EPA's BCT cost methodology.

C. BAT

1. *Proposed Regulation.* EPA proposed BAT effluent limitations equivalent to those promulgated under BPT (based on the same BPT technology). Iron and manganese would be the regulated pollutant parameters. Three other options were considered in the proposal. Two of these involved the use of supplemental treatment technology (floculant addition and granular media filtration) beyond BPT. The third option considered zero discharge for coal preparation plants only. These options were rejected for reasons explained in the preamble to the January 1981 proposal.

2. *Response to Major Comments.* Comments concerning the proposed BAT options, except as discussed in E and F of this section, addressed areas such as regulated parameters, commingling of wastewater streams, and technology evaluations. These comments are responded to in EPA's Response to Comment Document.

3. *Final Rule.* EPA is promulgating BAT equal to BPT as proposed. This conclusion was based on five factors: (1) After BPT level treatment the toxic metals were found at levels very near or at concentrations considered to be the detection limit by state-of-the-art analytical techniques; (2) treatability studies, pilot plant studies, and statistical analyses indicated that very low, if any, additional reductions of toxic metal are achievable beyond BPT levels; (3) toxic organics that were detected in BPT-treated effluents occurred at levels too low to be effectively treated, were uniquely related to only a few facilities or were attributable to sampling or analytical contamination; (4) technical and cost considerations (e.g., producing power for and access to these additional water treatment technologies in remote areas in Appalachia) make it infeasible to implement the two BAT candidate technologies requiring supplemental treatment beyond BPT throughout the industry on a national basis; and (5) the insignificant amounts of incremental toxics removed by the zero discharge

requirement³ (for coal preparation plants) do not justify the resulting retrofit expenditures of \$291 million capital, \$52.6 million annual (1980 dollars).

D. NSPS

1. *Active Mines.* a. *Proposed Regulation.* The Agency considered the same treatment options for NSPS as it did for BAT. The Agency proposed to set NSPS equal to BPT for coal mines.

b. *Final Rule.* EPA is promulgating NSPS based on BPT for coal mines as proposed. However, the proposal has been corrected in the final rule so that the limitations for iron are the same as those originally promulgated for NSPS on January 12, 1979 (44 FR 2586).

2. *Coal Preparation Plants and Associated Areas.* a. *Proposed Regulations.* The Agency considered the same treatment options for NSPS as for BAT. The Agency proposed to set NSPS equal to BAT for coal preparation plant associated areas, and establish a zero discharge requirement for coal preparation plants.

b. *Response to Major Comments.* (i) *Zero Discharge Requirement.* Several commenters argued that EPA misinterpreted the results of its survey of existing coal preparation plants (conducted to evaluate zero discharge systems).⁴ Some commenters argued that if BAT limitations adequately control toxic pollutants, then a more stringent standard cannot be required for new sources. Several commenters also asserted that little or no net environmental benefits would result from the more stringent new source standards for preparation plants.

EPA has devoted substantial resources to the question of coal preparation plant discharges. Although every effort was made to clearly request data and information on water management practices in this industry during the EPA/NCA survey, responses from the industry participants were often rather ambiguous. Supplemental data provided by commenters were analyzed by EPA to clarify the survey results. (We note the inherent limitation in this analysis was that the data concerned existing plants, while only new source preparation plants were considered for a zero discharge

³See Section VI, "Selection of Pollutant Parameters," in the Final Coal Mining Development Document.

⁴EPA conducted a survey on preparation plants in cooperation with the National Coal Association (NCA) in early 1980. The purpose of the survey was to assess water usage and treatment in coal preparation plants. See Appendix E, "Preparation Plant Questionnaire Package", to the Proposed Development Document for Coal Mining, (EPA 440/1-81/057-b).

regulation in the proposal.) The basic finding from the results of data analysis was that of an estimated 650 preparation plants operating in 1978, 42 of these were achieving zero discharge.

In most cases, enough water, in a properly designed total recycle system, leaves with the refuse and the cleaned coal such that there is no excess water to be discharged. Data obtained from the EPA sponsored preparation plant study indicated that of the total volume of process water in a closed circuit, approximately 3 percent left the system with the cleaned coal and the refuse. A significant amount of water may also be lost via evaporation and seepage from slurry treatment ponds. (Slurry treatment ponds are necessary to treat the slurry generated by cleaning the coal. The slurry is generally sent to a treatment facility, usually a pond or clarifier, where solids settle to the bottom. The decant, or solid free water, is then recycled back to the coal cleaning operations.)

This water loss must be "made-up" from sources external to the plant's recycle system. Typical sources might be a fresh water lake or creek, mine drainage, well water, or precipitation and run-off from the surrounding area. The make-up into the system usually maintains an acceptable dissolved solids level for preparation plant operation in conjunction with the water that leaves, or is "blown down", with the coal and refuse.

Some preparation plants use chemicals in the slurry treatment process prior to water recycle. This is another potential area of concern. The chemicals consist primarily of light oils and/or surfactants used in the froth flotation process, and polymers used to aid settling in the clarifiers.

If these components were allowed to build up within the system, problems could occur with the coal cleaning process and/or equipment. However, EPA believes that the chances of this occurring are minimal, for the following reasons. The oils used in the froth flotation process are generally skimmed from the surface of the clarifiers/thickeners and recycled back to the process. There should be no excess oil if the supply is replenished only as needed. Similarly, the introduction of additional polymers or other chemicals to the system is generally halted until the supply already in circulation needs replenishment. If this practice is followed, there should be sufficient control over the chemical concentration in the recycled water.

Despite the above indications that zero discharge is a demonstrated,

achievable technology, there are some facilities where an occasional discharge from a recycle system is necessary. Commenters cited build-up of dissolved solids in the water system and other factors which can require such discharge. EPA agrees that in a total recycle system, a need may arise for a blowdown or purge to reduce the concentration of dissolved solids (TDS) in the recirculated water, in order to prevent the deposition of the solids in pipes, pumps, and other equipment. The level of dissolved solids which will interfere with coal preparation and treatment is determined by the water chemistry, (including pH) and the type of coal cleaning process.

(ii) Definition of a Coal Preparation Plant. The proposal defined a coal preparation plant as "a facility where coal is crushed, screened, sized, cleaned, dried or otherwise prepared and loaded for transit to a consuming facility". The Agency has reconsidered the applicability of this definition and has determined it to be unnecessarily inclusive of those facilities that do not have an effluent and thus do not require effluent limitations guidelines. Many plants that crush or size coal, for example, do not use water in the process and do not have a discharge. Thus, the definition has been changed to reflect only those coal preparation plants that use wet cleaning methods.

c. Final Rule. (i) Coal Preparation Plant Associated Areas. EPA is promulgating NSPS equal to BPT/BAT for coal preparation plant associated areas.

(ii) Coal Preparation Plants. Based on the above considerations, EPA is establishing NSPS for coal preparation plants at zero discharge of pollutants, with the following exception: occasional purges will be allowed when necessary to reduce the concentration of solids and/or process chemicals in the water circuit to a level which will not interfere with the preparation process. The zero discharge requirement is being promulgated for coal preparation plants because it is a demonstrated technology in this subcategory. Many existing facilities are currently practicing total recycle of preparation plant wastewaters. Further, this option is feasible for new sources at a reasonable cost, since wastewater treatment and management practices can be planned at the design stage, thereby avoiding costly retrofit. Finally, total recycle will remove considerable amounts of conventional pollutants (TSS), pollutants not regulated under BAT.

Facilities using the purge allowance will be subject to alternate limitations (equal to BAT/BPT) while purging. In

order to use the purge allowance, the coal preparation plant operator must submit a written notice in advance to the permitting authority which provides anticipated purge frequency, and explains why it is necessary to purge in order to continue operations. The purge may not take place if the permitting authority disapproves. The permitting authority may also include in the permit a provision limiting the frequency of the purge.

Coal preparation plants are more precisely defined in the final rule as "a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility."

3. Definition of New Source. a. Proposed Regulation. EPA proposed to amend the existing first paragraph [§ 434.11(j)(1)] of the definition for "new source" coal mines. (Note: The general definition for new sources at 40 CFR 122.3 applies to coal preparation plants and associated areas at 40 CFR 122.3 and should not be confused with the definition of a new source coal mine as presented in this Part 434). EPA proposed to delete the prior reference to a Mining Safety and Health Administration (MSHA) identification number because of substantial controversy that arose over the MSHA criteria (see 46 FR 3146). Under that first paragraph, new sources would be defined as "having commenced construction after the date of NSPS proposal." The second paragraph of the definition remained unaltered from previous regulations. That portion provides that, in addition to the definition contained in the first paragraph, a new source coal mine is one which the EPA Regional Administrator determines to constitute a "major alteration." That determination would be based on, among other factors, the extraction of a coal seam not previously extracted by that mine, discharges into a drainage area not previously affected by wastewater discharges from the mine, extensive new surface disruption, and the investment of significant capital in additional equipment.

b. Response to Major Comments. Commenters argued that the itemized list of factors in the second part of the definition should be deleted, since such situations are common to every mine, whether existing or planned. They fear that potentially every existing mine could be reclassified as a new source subject to NEPA review, EIS preparation, and a resultant one-year disruption of mining activity. Several

commenters also felt that the regulation would discourage the practice of remining (the extraction of residual coal from abandoned mines) by subjecting such operations to NEPA review.

EPA believes that the determination of a "new source," must be based on all the environmental factors considered together. The purpose of these factors is to identify mining activities that may result in significant new or environmental effects.

The commenters presented no facts or case histories to support the concern that the factors listed were not appropriate. They also did not suggest any alternate language that would be useful in formulating a definition for new source coal mines.

c. Final Rule. As proposed, EPA is deleting the reference to MSHA identification numbers and replacing it by the phrase: "a new source is that which commences construction after May 29, 1982." The second paragraph of the definition is unaltered from that of the previous regulation.

Today's regulation does not affect the status as new sources of those coal mines on which construction began before May 29, 1981, and which were defined as new sources under the NSPS regulations promulgated January 12, 1979 (44 FR 2586). In other words, if a coal mine did not obtain an MSHA number before September 19, 1977, it will continue to be considered a new source, even if construction began before May 29, 1982. However, those coal mines which have not yet been issued an NPSES permit and which are defined as "new sources" under either the old or new definition, will be subject to the standards promulgated in today's regulations. Facilities may apply to have existing permits modified, pursuant to 40 CFR 122.15, to reflect today's promulgation.

E. Applicability of Regulation

1. Western Mines. a. Proposed Regulation. The prior TSS limitation under BPT regulations did not apply to Western mines in six specified states (see 40 CFR 434.32(a) (1980)). Those mines are subject to permit limitations on TSS which are generally more stringent than the effluent guidelines limitation. In addition, the prior NSPS requirements created a subcategory for "Western Coal Mines", defined as mines located west of the 100-degree meridian (40 CFR 434.60). NSPS requirements for this subcategory were reserved. Under the proposed January 1981 regulation, western mines would no longer be a separate subcategory and would not be exempt from national TSS limitations.

Recent data collected by EPA has indicated that the effluent characteristics of discharges from western mines are very similar to discharges from mines in other geographic regions.⁵

b. Final Rule. Today's final rule will apply to all coal mines wherever located in the United States. (It should be noted, however, that where western mines have been subject to more stringent requirements under NPDES permits, they may, under certain conditions, continue to be subject to those requirements under 40 CFR 122.62(1) and 40 CFR 123.7.) Of course, permit writers in all areas may impose more stringent limitations where necessary to meet state water quality standards or other requirements.

2. *Post Mining Discharges.* a. Proposed Regulation. The proposed regulation would establish effluent limitations for post-mining discharges (discharges from mining areas after active mining operations cease) for both surface and underground mines. However, these limitations would apply only until release of the performance bond required by the Surface Mining Control Reclamation Act (SMCRA).

In the proposal, EPA solicited comment on whether regulations should be applied after release of the SMCRA bond, and stated that it was conducting a data gathering effort to determine if such regulations were necessary. Most comments received were in favor of the proposal to regulate only until release of the SMCRA bond.

b. Rationale for post-mining regulations prior to bond release. If a surface mine is properly reclaimed, storm runoff from the inactive mining areas generally will be of acceptable quality. However, in the absence of proper reclamation, runoff from these post-mining areas can contain unacceptable levels of solids and metals, and be highly acidic. Underground mines must also be properly sealed and otherwise closed upon cessation of active mining operations or else the drainage can have degrading effects on water quality. The Office of Surface Mining (OSM) has promulgated regulations under SMCRA to control both surface coal mining and the surface effects of underground coal mining. SMCRA requires coal mines to post a bond to secure their performance with requirements of the Act. Upon cessation of active surface mining, bond will not be fully released until the

SMCRA regulatory authority is satisfied that the mine operator has successfully met all reclamation requirements and that the untreated drainage from the area meets Federal and State requirements. (See 30 CFR, Section 807.11 and 807.12). Bond liability with respect to underground mines will be released when the SMCRA regulatory authority is satisfied that reclamation of the disturbed surface area is successful, and that the underground workings have been properly sealed and closed. Id. This bonding period lasts a minimum of five years (10 years west of the 100th meridian). Until those determinations are made by SMCRA authorities, EPA believes that effluent limitations guidelines and standards are appropriate.

The parameters proposed to be regulated and their respective effluent limitations for post mining discharges from underground mines are the same as those for active mines: pH, TSS, iron, and manganese. Post-mining discharges from underground mines exhibit wastewater characteristics similar to those found in active mine drainage.⁶

The parameters proposed to be regulated for post-mining discharges from surface mines are settleable solids and pH. Their effluent limitations are 0.5 ml/l and 6-9 respectively. The reasons for regulation of these specific parameters and selection of their numerical limitations are the same as those discussed below for the storm exemption provisions because post mining discharges from surface mines are primarily a result of runoff from precipitation.

c. Rationale for not regulating post-mining discharges after SMCRA bond release. EPA initiated a study on post-bond release discharges to further ascertain the need for post-bond release regulations. This study was not completed because insufficient data exist to determine the need for, or support the development of, post-bond release regulations.⁷ There are not enough reclaimed mines that have obtained bond release under the current SMCRA regulations to conduct a water discharge characterization sampling program. What data EPA has reviewed does not indicate a problem warranting the promulgation of nationally applicable regulations.

⁵ Frontier Technical Associates, Inc., "Inventory of Anthracite Coal Mining Operations, Wastewater Treatment and Discharges Practices," Buffalo, N.Y., June 10, 1980.

⁷ See "Investigation of Post-Mining Wastewater Discharges after SMCRA Bond Release," in Appendix C of the Final Development Document for Coal Mining.

These results, coupled with the fact that the release of bond by SMCRA authorities signifies their determination that post-mining pollution problems are abated and can be reasonably expected not to occur, indicate that a need for nationally applicable regulations for discharges after bond release currently does not exist. However, any point source discharge after bond release does require a permit and will be addressed on a case-by-case basis.

d. Final Rule. The Agency is promulgating effluent limitations for settleable solids and pH for post-mining discharges from surface mine drainage and limitations for TSS, pH, iron, and manganese for underground mine drainage. These limitations will remain in effect until release of the performance bond by SMCRA authorities.

F. Alternate Limitations for Precipitation Events

1. *Proposed Regulation.* Under existing regulations prior to this rulemaking, both surface and underground coal mines are exempt from all otherwise applicable requirements if: (a) The treatment facility is designed to treat or contain the volume from a 10-year, 24-hour precipitation event⁸ and (b) there is an overflow, increase in volume of a discharge, or discharge from a bypass system as a result of precipitation. This exemption permits a discharge without regard to effluent quality if conditions (a) and (b) were satisfied.

The proposal differed from these existing regulations in that it would have added the requirement that the facility comply with a 0.5 ml/l settleable solids limitation during storms which do not exceed the 10-year, 24-hour event for discharges from active mining areas. In addition, EPA proposed that pH limitations between 6 and 9 be met at all times. In order to qualify for the alternate effluent limitations during precipitation events, the proposal retained the requirement that the treatment facility must be designed, constructed and operated to contain the disturbed area runoff from a 10-year, 24-hour storm.

The proposed alternate limitations would not apply to discharges from underground workings at underground

⁸ Effluent Guidelines Division, Environmental Protection Agency, "Comparison of Coal Mine Wastewaters from Eastern and Western Mines," Washington, D.C., January 1981.

⁸ The term "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as defined by the National Weather Service and Technical Paper No. 40 "Rainfall Frequency Atlas of the U.S.," May 1961, or the NOAA Atlas Volumes I-XI or equivalent regional rainfall probability information developed therefrom.

mines, but would apply to drainage from surface areas of underground mines.

2. Response to Major Comments

a. Regulation of Settleable Solids. Instead of TSS. Several commenters questioned whether any settleable solids limitation would adequately control sediment during precipitation events of any size. The concern was that a settleable solids limitation can mask levels of suspended solids as high as 2,000 mg/l.

In 1979, Skelly & Loy conducted a study for EPA to define pond performance, particularly for those storms less than the 10-year, 24-hour event.⁹ This study concluded that a number of site-specific factors make it extremely difficult to predict, on a generic basis, what TSS effluent concentrations can be expected from a sediment pond of a given size and design during precipitation events (and also during reclamation). However, the Agency undertook a one year data collection effort, completed in 1981, with industry participation under Section 308 of the Act to characterize the effluent quality during and immediately after storm events from sediment ponds receiving waters from active mines as well as reclamation areas across the country.¹⁰ This study was completed in May 1981. The 24 ponds for which data was submitted included treatment ponds sized to contain a 10-year, 24-hour storm and also those that were of smaller sizes. One of the results of this study confirmed the earlier conclusions of the Skelly & Loy study that TSS effluent concentrations vary too widely, due to site specific factors, to base a national regulation on this parameter. However, this does not preclude permit writers from establishing a TSS limitation on a case-by-case basis when such limitations are necessary to carry out the purposes of the Act.

While national TSS limitations could not be supported, EPA found that settleable solids limitations control sediment during precipitation events. Analysis of the settleable solids data base with consideration of limits of detection and precision resulted in what EPA believes to be a justifiable method to control "solids" during precipitation. Moreover, the choice of settleable solids as a control parameter during precipitation events would assure installation and operation of a technology to control solids discharge

and siltation—the primary reason for regulating such discharges.

b. Settleable Solids Limitations. (i) Limit of Detection. Several commenters pointed out that a settleable solids limitation of 0.5 ml/l is inconsistent with *Standard Methods* (14th Ed. American and Public Health Association, Washington, D.C., 1975) protocol, which provides that the detection limit for settleable solids is "about 1.0 ml/l".¹¹

EPA believes that a lower settleable solids detection limit for the coal mining industry is practical. Accordingly, EPA's Office of Water, in collaboration with EPA's Environmental Monitoring and Support Laboratory (EMSL), undertook a test program which estimated the method detection limit as part of a study to determine the precision and accuracy of measuring settleable solids below 1.0 ml/l.¹² This study was conducted on effluents from active mining area and reclamation area discharges from both eastern and western coal mines. Under this program, eight treatment ponds were sampled and analyzed for settleable solids using the *Standard Methods* protocol. Based on the results of this study, EPA has concluded that it is possible to measure settleable solids levels below 1.0 ml/l and thus, the data submitted in the self-monitoring survey provide a reasonable basis for establishing a limitation below 1.0 ml/l. Repeated determinations of the method detection limit produced estimates well below 1.0 ml/l.¹³ The average of the 8 field determinations of the method detection limit for settleable solids was 0.22 ml/l and the maximum estimated detection was 0.40 ml/l. As a result of this study, the method detection limit for settleable solids in the coal mining industry is redefined conservatively in this rulemaking at 0.4 ml/l, the maximum of the field determinations.

(ii) 0.5 ml/l Limitations. Some commenters charged that the 0.5 ml/l settleable solids limitation was too low,

noting that some settleable solids values in EPA's data base (obtained from the industry self-monitoring survey) exceeded 0.5 ml/l.

The Agency analyzed the self-monitoring data and concluded that 0.5 ml/l is a reasonable limitation value. Of the 24 ponds that submitted responses to the survey, 17 were sized to contain the runoff from a 10-year, 24-hour storm (according to the revised definition of a "10-year, 24-hour" pond as presented in the May 26, 1981 amendment to the January 13, 1981 *Federal Register* proposal). Two of the 17 were excluded from the analysis because of design and operational problems, (see Section VII of the Final Coal Development Document) and 4 were excluded because there was no discharge reported during wet weather conditions. Two hundred and sixty-two wet weather settleable solids measurements of effluent quality were reported for the remaining 11 ponds over a one year period. 98.5% of these measurements did not exceed 0.5 ml/l. Based on a statistical analysis of this data, the Agency concluded that the 0.5 ml/l value is consistent with the 99 percent compliance criteria generally used to establish effluent limitations and thus is a reasonable limitation.

Furthermore, EPA's confidence in the 0.5 ml/l limitations is strengthened by data from smaller ponds included in the 308 self-monitoring survey. That data revealed that in addition to the performance of the 10-year, 24-hour ponds, a large portion of the effluent from smaller ponds met the 0.5 ml/l limitation as well. Indeed, when data from all 24 ponds in the survey (except the 2 with design and operational problems and the 4 without discharges) are analyzed together, 98.3% of a total of 414 measurements were less than or equal to 0.5 ml/l.

Additional consideration of the operation and design of the ponds surveyed that some of the ponds with high values may have been improperly designed or operated. The Agency believes that slight upgrading of the ponds exhibiting some large effluent values would very likely result in improved performance. Thus, on the basis of all ponds surveyed, EPA is confident that 0.5 ml/l settleable solids is an appropriate limitation for the industry.

c. Pond Design Criteria. Several commenters believed that either the design criteria or numerical effluent limitations, but not both, should be specified.

The treatment facility design criteria in the "storm exemption" as written in

⁹ Skelly & Loy, Engineers Consultants, "Evaluation of Performance Capability of Surface Mine Sediment Basins, Harrisburg, PA, July 1979.

¹⁰ See Appendix A, "Coal Mining Industry Self-Monitoring Program," of the Final Coal Mining Development Document.

¹¹ 40 CFR 401.13 provides that "the test procedures for measurement which are prescribed at Part 136 of this chapter shall apply to expressions of pollutant amounts, characteristics or properties in effluent limitations guidelines and standards of performance and pretreatment standards as set forth at Parts 402 through 699 of this subchapter, unless otherwise specifically noted or defined in said parts." Part 136 currently refers to EPA's *Standard Method* (14th Ed., American and Public Health Association, Washington, D.C., 1975).

¹² See Appendix B, "Coal Mine Drainage Precision and Accuracy Determination for Settleable Solids at Less than 1.0 ml/l", in the Final Development Document for Coal Mining.

¹³ The detection limit was calculated according to the "Definition and Procedure for the Determination of Method Detection Limit," Rev. 1.11 Environmental Monitoring and Support Laboratory, U.S. EPA, Cincinnati, OH 45268, 21 Jan. 1981 (Ref.: *Environmental Science and Technology* 15 (1981), p. 1426).

the previously promulgated regulation and the proposed regulation to this rule, compels the construction of a particular type of treatment facility—a pond—in order to qualify for the exemption. In the absence of this design criteria, other options for treatment, such as diversion ditching or diking, may be available. These options may permit some conservation of water for other uses, particularly in arid areas. For these reasons, the Office of Surface Mining (OSM) has proposed to delete its design criteria (46 FR 34684 (July 2, 1981)).

EPA is deleting the pond design criteria also. In order to allow this flexibility, final regulations contain numerical limitations but not a pond design criteria. EPA will no longer require that a pond be sized to contain the runoff from the 10-year, 24-hour event in order for a facility to qualify for alternate limitations during precipitation events. Instead, a settleable solids and pH limitation of 0.5 ml/l and 6-9 respectively will apply as alternate limitations during precipitation events less than or equal to the 10-year, 24-hour storm event for any treatment facility. Only a pH limitation (of 6-9) will apply during precipitation events greater than a 10-year, 24-hour storm event.

d. **Applicable Time Frame for Alternate Limitations.** The alternate limitations in the proposed regulation would have been keyed to a 10-year, 24-hour event, that is a storm occurring within a 24-hour event. Comments were submitted expressing a concern over the possibility of experiencing consecutive storms over a greater than 24-hour period such that the resulting combined runoff volume exceeds that of the 10-year, 24-hour storm. Data obtained from previous studies has shown this occurrence to be very rare.¹⁴ Moreover, EPA's data base shows that treatment facilities can meet a settleable solids limitation of 0.5 ml/l even during heavy rains. However, if such consecutive rainfall events do occur over a greater than 24-hour period causing a facility to exceed its settleable solids limitation, the facility may invoke the Agency's upset or by-pass provisions. (See Section XII.)

e. **Discharges from Underground Mines.** Several commenters argued that where discharges from underground workings of underground mines are commingled with surface mine drainage, they should be subject to the "storm exemption". EPA agrees with these

commenters and has clarified the proposal accordingly.

f. **pH Limitation.** Comments were submitted that expressed concern over the potential lack of data representative of a 10-year, 24-hour precipitation event. They stated that the pH limitation for storm events greater than the 10-year, 24-hour event has no basis in EPA's proposal and should be deleted. Actually, the data were not lacking in this area. Based upon rainfall data submitted with self-monitoring and analytical results, one participant experienced a 10-year, 24-hour precipitation event and three others experienced large events virtually equivalent to the 10-year, 24-hour precipitation event and three others experienced large events virtually equivalent to the 10-year, 24-hour event, as indicated in the following table.

Mine code	10-yr, 24-hr event (inches)	Rainfall experienced (inches)
101.....	3.7	3.7
33-01.....	4.5	4.25
33-02.....	4.5	4.25
25-04.....	3.7	3.69

These results indicate that a pH within the range of 6 to 9 can, in fact, be maintained at all times. Accordingly, EPA is promulgating the pH limitations to be met at all times.

g. **Alternate Limitation Enforcement.** Comments were raised expressing general concern over the enforceability of the alternate storm limitations. The Agency intends to develop a supplemental guidance package which will provide a more detailed explanation of the meaning of the regulation and how it should be enforced. This guidance package will be distributed to Regional and State permitting authorities whereby it will be reviewed during a series of workshops.

However, the Agency expects that all coal mining facilities must maintain a good faith effort to comply with these limitations as intended. Alternate storm limitations are to apply only when "dry weather" limitations cannot be met due to a discharge resulting from a particular precipitation event.

3. **Final Rule.** EPA is promulgating alternate limitations for coal mines and coal preparation plants and associated areas. These alternate limitations limit pH at 6-9, and settleable solids at 0.5 ml/l during precipitation events less than a 10-year, 24-hour storm. pH only is limited during precipitation events equal to or greater than a 10-year, 24-hour storm. The method detection limit for settleable solids in the coal mining category is set at 0.4 ml/l. This

supersedes the detection limit for settleable solids set forth in 40 CFR Part 136.

These alternate limitations are available to any treatment facility. The permittee must show that the discharge of increase in discharge resulted from a precipitation event. For this purpose, the permittee may maintain a precipitation gage at the facility or rely on data from the nearest weather station with a precipitation gage.

The alternate limitations do not apply to discharges from underground workings at underground coal mines. The limitations will apply, though, to drainage from the surface area of underground mines. In addition, the proposal has been clarified for the final rulemaking so that the alternate limitations apply also where surface area discharges are commingled with discharges from underground workings at underground mines. Also, the alternate limitations are not available for new source preparation plants, which, subject to the purge allowance (see VI., D.2), will be required to meet zero discharge of process wastewater pollutants.

VII. Regulated Pollutants

The bases upon which the regulated pollutants were selected is presented in Section VI of the Development Document. The summary below presents the regulated pollutants for BAT, and also the new or changed standards or limitations for BPT and NSPS.

A. Amended BPT.

EPA is amending the "storm exemption" provided to BPT limitations. The design criteria (capacity to contain the discharge from a 10-year, 24-hour storm) is deleted and settleable solids and pH limitations are established for control of discharges during precipitation events of less than a 10-year, 24-hour magnitude and for reclamation areas. pH limitations are applied for precipitation events greater than or equal to that magnitude. These limitations are applicable to discharges from (1) preparation plant associated areas; (2) surface area drainage; (3) reclamation areas, and (4) underground mine drainage that is commingled with any of the first three types of discharges. **Note:** The pH and settleable solids limitations are applicable to reclamation areas during dry weather as well as wet weather conditions.

B. BAT.

The pollutants selected for control are: (1) Total iron; and (2) total manganese during dry weather flows. Settleable

¹⁴D'Appolonia Consulting Engineers, Inc., "Evaluation of Sedimentation Pond Design Relative to Capacity and Effluent Discharge", Pittsburgh, PA, 1979.

solids and pH are limited during precipitation events and for post-mining areas as described above in (A).

C. NSPS.

The pollutants selected for control during dry weather flows are: (1) Total suspended solids; (2) total iron; (3) total manganese; (4) pH. Settleable solids and pH are regulated during precipitation events and for post-mining areas as described in (A) above.

VIII. Pollutants Not Regulated.

Paragraph 8(a)(iii) of the Settlement Agreement contains provisions authorizing the exclusion from regulation, in certain instances, of toxic pollutants and industry subcategories.

The analytical results from the sampling program, summarized in the preamble to the proposed regulation, were used in making the determination of what pollutants should be excluded from regulation under the Settlement Agreement. We have made no change in the pollutants excluded since proposal. The selection criteria is also summarized in the preamble and described in more detail in the Development Document for Coal Mining. All the toxic 129 Priority Pollutants are not being regulated under BAT or NSPS in accordance with paragraph 8(a)(iii) of the Settlement Agreement. These pollutants are listed in Appendices B-H of this Notice.

IX. Costs and Economic Impacts

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analyses of "major rules." Major rules are those that impose an annual cost to the economy of \$100 million or more, or meet other economic impact criteria. This proposed regulation for coal mining is not a major rule and therefore does not require a formal regulatory impact analysis. This proposed rulemaking satisfies the requirement of the Executive Order for a non-major rule.

The economic impact assessment is presented in *Economic Impact Analysis of Final Effluent Standards and Limitations for the Coal Mining Industry*, EPA 440/2-82/006. This report details the investment and annual costs for the industry as a whole and for typical plants covered by the regulation. Compliance costs are based on engineering estimates of capital requirements for the effluent control systems described earlier in this preamble. The report assesses the impact of effluent control costs in terms of price changes, production change, mine closures, employment effects, and balance of trade effects. These impacts

are discussed in the report for each of the regulatory options.

The estimated economic impact of the regulatory alternatives considered for this rulemaking were analyzed through the simulation of supply and demand in the spot and contract coal markets in 1984. Regional supplies and costs were forecast for 1984 in the steam (spot and contract) and metallurgical coal markets, incorporating differentials in coal prices due to differing production, transportation and coal utilization costs. These estimates were used in the coal market simulation model to evaluate the economic impact of the alternatives in 1984. The impact is measured as the difference in levels of production, employment, wages and investment requirements for pollution control between the base case and alternative levels of treatment. The base case incorporates the compliance costs of the BPT limitations.

No additional costs or impacts are expected due to the post-mining discharge limitations for acid and alkaline mines under the amended BPT regulations, the BAT regulations and NSPS regulations. OSM already requires that when mine drainage occurs within the bonding period at a mine it must be treated until the discharge ceases or meets the applicable State and Federal water quality requirements. (See 30 CFR 816.42 and 817.42.) Therefore, any capital and operating costs resulting from compliance with the proposed EPA regulation are already incurred as a result of compliance with OSM regulations. There will not be any incremental impact for this extended coverage.

A. BPT.

The amendments to existing BPT regulations do not generally impose additional requirements and so are not expected to generate additional compliance costs. This regulation does expand the applicability of BPT regulations to post-mining areas, but as described above, that expansion will not cause additional costs. The revised storm exemption will not require the installation of new or additional technologies, nor will the deletion of the western mine subcategory. Thus, no incremental economic impacts are projected for these amendments.

B. BAT.

The BAT limitations promulgated today for existing source mines and preparation plants and associated areas do not require any additional treatment technology beyond that already needed to meet promulgated BPT standards. Therefore, no additional costs or

impacts are expected for these existing sources.

C. NSPS.

The requirement of no discharge for new source coal preparation plants is different than that currently required for existing sources. (The limitations for associated areas are unchanged.) Incremental capital requirements and annualized costs above BPT/BAT technology for a typical new source coal preparation facility are projected to be as high as \$1.6 million and \$379 thousand respectively (1982 dollars). It is estimated that these requirements could potentially increase the cost to clean coal by 3.5 percent. The cost of the "cleaned" coal would increase by less than 1 percent. No change is expected in the demand for coal preparation as a result of the zero discharge requirement. This requirement is not expected to decrease the number of plants entering the industry in the near term.

D. Regulatory Flexibility Analysis.

Public Law 96-354 requires EPA to prepare an Initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. The analysis may be conducted in conjunction with or as part of other Agency analysis. EPA has determined that this regulation will not have a significant impact on a substantial number of small entities. Therefore, a formal Regulatory Flexibility Analysis is not required.

X. Non-Water-Quality Aspects of Pollution Control.

The elimination or reduction of one form of pollution may aggravate other environmental problems. Therefore, Sections 304(b) and 306 of the Act require EPA to consider the non-water quality environmental impacts (including energy requirements) of certain regulations.

While it is difficult to balance pollution problems against each other and against energy utilization and economic constraints, EPA is promulgating regulations which it believes best serve competing national goals.

This regulation was circulated to and reviewed by EPA personnel responsible for nonwater quality environmental programs. The following are the nonwater quality environmental aspects (including energy requirements) associated with the proposed regulations.

A. Air Pollution.

Imposition of the amended BPT, BAT, and NSPS standards will not create any additional air pollution problems.

B. Solid Waste.

Some of the solid waste production associated with the coal mining industry is generated by current treatment systems installed primarily to treat wastewater. Imposition of BAT and NSPS standards will not measurably increase the solid waste production for the industry. BAT standards will add no additional solid waste since BAT limitations would be equivalent to the BPT requirement in all subcategories. The Agency is issuing BPT/BAT requirements for areas under reclamation and for sites where mining has ceased; however, sediment control for these areas is already required by other federal regulations, and thus no additional solid waste would result.

The same is true for NSPS, with the exception of the coal preparation plant subcategory. The Agency is requiring that new source preparation plants achieve zero discharge of process wastewater pollutants except for a purge allowance. The additional solid waste production associated with implementation of zero discharge would be minimal. This is demonstrated by examining concentrations of suspended solids at different points in the preparation plant treatment system. The average concentration of total suspended solids in the raw wastewater is 34,100 mg/l. BPT technology reduces this to 35 mg/l, daily maximum, or less. Therefore, the vast majority of solid waste would be generated from the BPT requirement, with relatively small additional amounts produced by the NSPS requirement.

C. Energy Requirements.

Achievement of BAT and NSPS effluent limitations will not result in a significant net increase in energy requirements because these standards are equivalent to BPT effluent limitations, with the exception of the NSPS requirement of zero discharge for coal preparation plants. The zero discharge standard may mandate installation of additional pump equipment and, in a few cases, chemical addition equipment to provide recycle water of adequate quality to be reused in the plant. However, the energy requirements of recycle pump operation, for instance, will be offset to a great extent by decreased fresh-water-make-up pump energy requirements. Thus, the incremental amount of energy associated with these techniques,

beyond the BPT or BAT requirement, is insignificant.

XI. Best Management Practices

Section 304(e) of the Clean Water Act authorizes the Administrator to prescribe "best management practices" ("BMP's") to control "plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage." However, the Administrator may prescribe BMP's only where he finds that they are needed to prevent "significant amounts" of toxic or hazardous pollutants from entering navigable waters.

In contrast to this authority, Congress, through SMCRA, directed OSM to prescribe a range of management practices for coal mines. SMCRA and OSM's implementing regulations are essentially a BMP program tailored for coal mines, reflecting Congress' awareness that a comprehensive regulatory scheme is needed to remedy the host of environmental degradations caused by past mining practices.

Therefore, it is not EPA's intention at this time to promulgate BMP's for coal mining under the Clean Water Act. Rather, it is anticipated that today's regulations governing point source discharges, coupled with OSM's program, will provide a coherent and complementary framework for the regulation of this industry. The two agencies have worked closely on this rulemaking and related rulemaking by OSM to ensure that duplication and conflict in federal regulation does not occur. If, in the future, it appears that BMP's under the Clean Water Act are necessary to supplement OSM's program, EPA will propose them as appropriate.

XII. Upset and Bypass Provisions

A recurring issue of concern has been whether industry guidelines should include provisions authorizing noncompliance with effluent limitations during periods of "upset" or "bypass." An upset, sometimes called an "excursion", is an unintentional noncompliance occurring for reasons beyond the reasonable control of the permittee. It has been argued that an upset provision is necessary in EPA's effluent limitations because such upsets will inevitably occur even in properly operated control equipment. Because technology based limitations require only what technology can achieve, it is claimed that liability for such situations is improper. When confronted with this issue, courts have disagreed on whether an explicit upset or excursion exemption is necessary, or whether upset or excursion incidents may be handled

through EPA's exercise of enforcement discretion. Compare *Marathon Oil Co. v. EPA*, 564 F.2d 1253 (9th Cir. 1977) with *Weyerhaeuser v. Costle, supra*, and *Corn Refiners Association, et al. v. Costle*, No. 78-1069 (8th Cir., April 2, 1979). See also *American Petroleum Institute v. EPA*, 540 R. 2d 1023 (10th Cir. 1976); *American Petroleum Institute v. EPA*, 661 F.2d 340 (5th Cir. 1981); *CPC International, Inc. v. Train*, 540 F.2d 1320 (8th Cir. 1976); and *FMC Corp. v. Train*, 539 F.2d 973 (4th Cir. 1976).

A by pass however, is an act of intentional noncompliance during which waste treatment facilities are circumvented in emergency situations. We have, in the past, included bypass provisions in NPDES permits.

EPA has determined that both upset and bypass provisions should be included in NPDES permits and have promulgated Consolidated Permit Regulations that include upset and bypass permit provisions (see 40 CFR 122.60, 45 FR 33290, May 19, 1980.) The upset provision establishes an upset as an affirmative defense to prosecution for violation of technology-based effluent limitations. The bypass provision authorizes bypassing to prevent loss of life, personal injury, or severe property damage.

The Agency has received numerous inquiries concerning the relationship between the general upset and bypass provisions set forth in the consolidated permit regulations and the storm exemption contained in the BPT/BAT and NSPS regulations for coal mining. The storm "exemption" in today's regulation provides alternate limitations during precipitation events only. Similarly, the "purge" provision in Section 434.25(b) provides alternative limitations with respect to specified discharges from coal preparation plants. The upset and bypass provisions are also available to coal mine operations.

XIII. Variances and Modifications

Upon the promulgation of this regulation, the effluent limitations for the appropriate subcategory must be applied in all Federal and State NPDES permits thereafter issued to direct dischargers in the coal mining industry.

For the BPT effluent limitations, the only exception to the binding limitations is EPA's "fundamentally different factors" variance. (See *E. I. du Pont de Nemours & Co. v. Train*, 430 U.S. 112 (1977); *Weyerhaeuser Co. v. Costle, supra*). This variance recognizes factors concerning a particular discharger that are fundamentally different from the factors considered in this rulemaking. Although this variance clause was set

forth in EPA's original coal mining regulations, it is now included in EPA's Consolidated Permit Regulations (40 CFR Part 125, Subpart D) and is included only by reference in the coal mining guidelines.

The BAT limitations in this regulation are also subject to EPA's "fundamentally different factors" variance. BAT limitations for nonconventional pollutants are subject to modifications under Sections 301(c) and 301(g) of the Act. These statutory modifications do not apply to toxic or conventional pollutants. According to Section 301(j)(1)(B), applications for these modifications must be filed within 270 days after promulgation of final effluent limitations guidelines. (See 43 FR 40895, September 13, 1978).

XIV. Relationship to NPDES Permits

The BAT, and NSPS limitations in this regulation will be applied to individual coal mines through NPDES permits issued by EPA or approved state agencies, under Section 402 of the Act. As discussed in the preceding section of this preamble, these limitations must be applied in all Federal and State NPDES permits except to the extent that variances and modifications are expressly authorized. Other aspects of the interaction between these limitations and NPDES permits are discussed below.

One issue that warrants consideration is the effect of this regulation on the powers of NPDES permit-issuing authorities. The promulgation of this regulation does not restrict the power of any permitting authority to act in any manner consistent with law or these or any other EPA regulations, guidelines, or policy. For example, even if this regulation does not control a particular pollutant, the permit issuer may still limit such pollutant on a case-by-case basis when limitations are necessary to carry out the purposes of the Act. In addition, to the extent that State water quality standards or other provisions of State or Federal law require limitation of pollutants not covered by this regulation (or require more stringent limitations on covered pollutants), such limitations must be applied by the permit-issuing authority.

A second topic that warrants discussion is the operation of EPA's NPDES enforcement program, many aspects of which were considered in developing this regulation. We emphasize that although the Clean Water Act is a strict liability statute, the initiation of enforcement proceedings by EPA is discretionary. We have exercised and intend to exercise that discretion in a manner that recognizes and promotes

good-faith compliance efforts and conserves enforcement resources for those who fail to make good-faith efforts to comply with the Act.

The alternate storm limitations provided in this regulation present a new enforcement concept. As discussed in Section VI. F. of this preamble, the Agency intends to develop a supplemental guidance package which will provide a more detailed explanation of the meaning of the alternate limitations and how they should be enforced. This guidance package will be sent to Regional and State permitting authorities.

XV. Public Participation

Numerous agencies and groups have participated during the development of these effluent guidelines and standards. Following the publication of the proposed rules on May 29, 1981, in the Federal Register, EPA provided the development document supporting the proposed rules to industry, Government agencies, and the public sector for comments. Two workshops were held on the BAT Rulemaking in August 1981 in Louisville, KY., and in Denver, CO.

All comments received have been carefully considered, and appropriate changes in the regulation have been made whenever available data and information supported those changes. Major issues raised by the comments are addressed under the relevant section within the body of this preamble. A summary of the comments received and our detailed responses to all comments are included in a report, "Responses to Public Comments, Proposed Coal Mining Effluent Guidelines and Standards," which is a part of the public record for this regulation.

XVI. Small Business Administration (SBA) Financial Assistance

The Agency is continuing to encourage small manufacturers to use Small Business Administration (SBA) financing as needed for pollution control equipment. Three basic programs are in effect: the Guaranteed Pollution Control Bond Program, the Section 503 Program, and the Regular Guarantee Program. All the SBA loan programs are only open to businesses with net assets less than \$6 million, with an average annual after-tax income of less than \$2 million, and with fewer than 250 employees.

The guaranteed pollution control bond is a full faith and credit instrument with a tax free feature, making it the most favorable of the programs. Although all 1981 funds have already been committed, the SBA is attempting to obtain additional funding for this program. The program applies to

projects that cost from \$150,000 to \$2,000,000.

The Section 503 Program, as amended in July 1980, allows for long-term loans to small and medium-sized businesses. These loans are made by SBA-approved local development companies, which for the first time are authorized to issue Government-backed debentures that are bought by the Federal Financing Bank, an arm of the U.S. Treasury.

Through SBA's Regular Guarantee Program, loans are made available by commercial banks and are guaranteed by the SBA. This program has interest rates equivalent to market rates.

For additional information on the Regular Guarantee and Section 503 Programs contact your district or local SBA Office. The coordinator at EPA headquarters is Ms. Frances Desselle who may be reached at (202) 382-5373.

For further information and specifics on the Guaranteed Pollution Control Bond Program contact: U.S. Small Business Administration, Office of Pollution Control Financing, 404 North Fairfax Drive, Rosslyn, Virginia 22203, (703) 235-2902.

The regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

XVII. Availability of Technical Assistance

The basis for this regulation is detailed in three major documents. Analytical methods are discussed in Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants. EPA's technical conclusions are detailed in *Development Document for Effluent Guidelines, New Source Performance Standards, and Pretreatment Standards for the Coal Mining Industry Point Source Category*, EPA 440/1-82/057. The Agency's economic analysis presented in *Economic Impact Analysis of Final Effluent Standards and Limitations Pollution Control Technologies for the Coal Mining Industry*, EPA 440/2-82/006. A summary of the public comments received on the proposed regulation is presented in a report "Responses to Public Comments, Proposed Coal Mining Industry Effluent Guidelines and Standards," which is part of the public record for this regulation.

XVIII. Reporting Requirements

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* the information provisions in § 434.25(b) of this rule have been submitted to the Office of Management and Budget (OMB) for approval. They are not

effective until OMB approves them. A notice of the approval will be published in the Federal Register.

List of Subjects in 40 CFR Part 434

Mines, Water pollution control, Waste treatment and disposal.

Dated: September 30, 1982

John W. Hernandez, Jr.,
Acting Administrator.

Part 434 of Title 40 is revised to read as follows:

PART 434—COAL MINING POINT SOURCE CATEGORY; BPT, BAT, BCT LIMITATIONS AND NEW SOURCE PERFORMANCE STANDARDS

Subpart A—General Provisions

Sec.

434.10 Applicability.

434.11 General definitions.

Subpart B—Coal Preparation Plants and Coal Preparation Plant Associated Areas

434.20 Applicability.

434.21 [Reserved].

434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available [BPT].

434.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable [BAT].

434.24 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology [BCT]. [Reserved]

434.25 New Source Performance Standard [NSPS].

Subpart C—Acid or Ferruginous Mine Drainage

434.30 Applicability.

434.31 [Reserved]

434.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

434.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

434.34 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT). [Reserved]

434.35 New Source Performance Standards (NSPS).

Subpart D—Alkaline Mine Drainage

434.40 Applicability.

434.41 [Reserved]

434.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of

Sec.

the best practicable control technology currently available (BPT).

434.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

434.44 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT). [Reserved]

434.45 New Source Performance Standards (NSPS).

Subpart E—Post-Mining Areas

434.50 Applicability.

434.51 [Reserved]

434.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

434.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

434.54 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT). [Reserved]

434.55 New Source Performance Standards (NSPS).

Subpart F—Miscellaneous Provisions

434.60 Applicability.

434.61 Commingling of waste streams.

434.62 Alternate effluent limitations for pH.

434.63 Effluent limitations during precipitation events.

434.64 Procedure and method detection limit for measurement of settleable solids.

Authority: Sections 301, 304 (b), (c), (e), and (g), 306 (b) and (c), 307 (b) and (c), and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977), (the "Act"); 33 United States 1311, 1314 (b), (c), (e), and (g), 1316 (b) and (c), 1317 (b) and (c), and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

Subpart A—General Provisions

§ 434.10 Applicability.

This part applies to discharges from any coal mine at which the extraction of coal is taking place or is planned to be undertaken and to coal preparation plants and associated areas.

§ 434.11 General definitions.

(a) The term "acid or ferruginous mine drainage" means mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or more than 10 mg/l.

(b) The term "active mining area" means the areas, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term

excludes coal preparation plants, coal preparation plant associated areas and post-mining areas.

(c) The term "alkaline mine drainage" means mine drainage which, before any treatment, has a pH equal to or more than 6.0 and a total iron concentration of less than 10 mg/l.

(d) The term "bond release" means the time at which the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work (including, in the case of underground mines, mine sealing and abandonment procedures) has been satisfactorily completed.

(e) The term "coal preparation plant" means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility.

(f) The term "coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.

(g) The term "coal preparation plant water circuit" means all pipes, channels, basins, tanks, and all other structures and equipment that convey, contain, treat, or process any water that is used in coal preparation processes within a coal preparation plant.

(h) The term "mine drainage" means any drainage, and any water pumped or siphoned, from an active mining area or a post-mining area.

(i) The abbreviation "ml/l" means milliliters per liter.

(j)(1) Subject to subparagraph (2) of this paragraph, the term "new source coal mine" means a coal mine (excluding coal preparation plants and coal preparation plant associated areas):

(i) The construction of which is commenced after May 29, 1981 (the date of publication of the proposal of these regulations); or

(ii) Which is determined by the EPA Regional Administrator to constitute a "major alteration." In making this determination, the Regional Administrator shall take into account the occurrence of one or more of the following events, in connection with the mine for which the NPDES permit is being considered, after the date of proposal of applicable new source performance standards:

(A) A mine operation initiates extraction of a coal seam not previously extracted by that mine;

(B) A mine operation discharges into a drainage area not previously affected by wastewater discharges from the mine;

(C) A mine operation causes extensive new surface disruption;

(D) A mine operation initiates construction of a new shaft, stope, or drift;

(E) A mine operation acquires additional land or mineral rights;

(F) A mine operation makes significant capital investment in additional equipment or additional facilities; and

(G) Such other factors as the Regional Administrator deems relevant.

(2) No provision in this part shall be deemed to affect the classification as a new source, pursuant to EPA's promulgation of January 13, 1981 (46 FR 3136), of a coal mine on which construction began prior to May 29, 1981.

(k) The term "post-mining area" means: (1) A reclamation area or (2) the underground workings of an underground coal mine after the extraction, removal, or recovery of coal from its natural deposit has ceased and prior to bond release.

(l) The term "reclamation area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

(m) The term "settleable solids" is that matter measured by the volumetric method specified in § 434.64.

(n) The term "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

(o) The terms "treatment facility" and "treatment system" mean all structures which contain, convey, and as necessary, chemically or physically treat coal mine drainage, coal preparation plant process wastewater, or drainage, from coal preparation plant associated areas, which remove pollutants regulated by this part from such waters. This includes all pipes, channels, ponds, basins, tanks and all other equipment serving such structures.

Subpart B—Coal Preparation Plant and Coal Preparation Plant Associated Areas

§ 434.20 Applicability.

The provisions of this subpart are applicable to discharges from coal preparation plants and coal preparation plant associated areas, as indicated, including discharges which are pumped,

siphoned, or drained from the coal preparation plant water circuit and coal storage, refuse storage, and ancillary areas related to the cleaning or beneficiation of coal of any rank including, but not limited to, bituminous, lignite, and anthracite.

§ 434.21 [Reserved]

§ 434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30–125.32, 40 CFR 401.17, and §§ 434.61, 434.62 and 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant associated areas subject to the provisions of this subpart after application of the best practicable control technology currently available if discharges from such point sources normally exhibit a pH of less than 6.0 prior to treatment:

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	7.0	3.5
Manganese, total	4.0	2.0
TSS	70	35
pH	(¹)	(¹)

¹ Within the range of 6.0 to 9.0 at all times.

(b) Except as provided in 40 CFR 125.30–125.32, 40 CFR 401.17 and §§ 434.61 and 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant associated areas subject to the provisions of this subpart after application of the best practicable control technology currently available if discharges from such point sources normally exhibit a pH equal to or greater than 6.0 prior to treatment:

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	7.0	3.5
TSS	70	35
pH	(¹)	(¹)

¹ Within the range of 6.0 to 9.0 at all times.

§ 434.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30–125.32, and §§ 434.61, 434.62 and 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant associated areas subject to the provisions of this subpart after application of the best available technology economically achievable if discharges from such point sources normally exhibit a pH of less than 6.0 prior to treatment:

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	7.0	3.5
Manganese, total	4.0	2.0

(b) Except as provided in 40 CFR 125.30–125.32, and §§ 434.61 and 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by any existing coal preparation plant and coal preparation plant associated areas subject to the provisions of this subpart after application of the best available technology economically achievable if discharges from such point sources normally exhibit a pH equal to or greater than 6.0 prior to treatment:

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	7.0	3.5

§ 434.24 [Reserved]

§ 434.25 New source performance standards (NSPS).

The following new source performance standards (NSPS) shall be achieved by any new source coal preparation plant and coal preparation plant associated areas, as indicated:

(a) Except as provided in paragraph (b) of this section, for new source coal preparation plants, there shall be no discharge of process wastewater

pollutants from the coal preparation plant water circuit to surface waters.

(b) An occasional discharge or purge of pollutants may occur when necessary to reduce the concentration of solids or process chemicals in the water circuit to a level which would not interfere with the preparation process or process equipment, provided that:

(1) Advance written notice must be submitted to the permitting authority and the permitting authority does not disapprove the discharge. Such notice shall include: (i) Description of the need for the discharge or purge; (ii) the period of discharge or purge including anticipated dates and times; (iii) an estimate of discharge volume; and (iv) the intended receiving area.

(2) The occasional purge or discharge, if discharged to waters of the United States, shall be subject to the limitations specified in § 434.23(a) if the discharge normally exhibits a pH of less than 6.0, and § 434.23(b) if the discharge normally exhibits a pH of 6.0 or greater. The operator shall have the burden of proof that the purge was necessary to reduce the concentration of solids or process chemicals in the water circuit to a level which would not interfere with the preparation process or process equipment. This paragraph shall not exempt a facility subject to this part from complying with the other effluent limitations and standards set forth in this part, as appropriate. The permitting authority may include in the permit a provision limiting the amount or frequency of the purge.

(c) Except as provided in 40 CFR 401.17 and §§ 434.61, 434.62 and 434.63 of this part, the following new sources performance standards shall apply for discharges from new source coal preparation plant associated areas:

NSPS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	6.0	3.0
Manganese	4.0	2.0
TSS	70.0	35.0
pH	1	1

¹ Within the range 6.0 to 9.0 at all times.

Subpart C—Acid or Ferruginous Mine Drainage

§ 434.30 Applicability; description of the acid or ferruginous mine drainage subcategory.

The provisions of this subpart are

applicable to acid or ferruginous mine drainage from an active mining area resulting from the mining of coal of any rank including, but not limited to, bituminous, lignite, and anthracite.

§ 434.31 [Reserved]

§ 434.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30–125.32, 40 CFR 401.17, and §§ 434.61, 434.62 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	7.0	3.5
Manganese, total	4.0	2.0
TSS	70.0	35.0
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0 at all times.

§ 434.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30–125.32, 40 CFR 401.17, §§ 434.61, 434.62 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, Total	7.0	3.5
Manganese total	4.0	2.0

§ 434.34 [Reserved]

§ 434.35 New Source Performance Standards (NSPS)

(a) Except as provided in 40 CFR 401.17 §§ 434.61, 434.62 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following new source performance standards shall be achieved for any discharge from a new source subject to this subpart:

NSPS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	6.0	3.0
Manganese, total	4.0	2.0
TSS	70.0	35.0
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0 at all times.

Subpart D—Alkaline Mine Drainage

§ 434.40 Applicability; description of the alkaline mine drainage subcategory.

The provisions of this subpart are applicable to alkaline mine drainage from an active mining area resulting from the mining of coal of any rank including, but not limited to, bituminous, lignite, and anthracite.

§ 434.41 [Reserved]

§ 434.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30–125.32, 40 CFR 401.17, § 434.61 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by a point

source subject to the provisions of this subpart after application of the best practicable control technology currently available:

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	7.0	3.5
TSS	70.0	35.0
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0 at all times.

§ 434.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30-125.32, § 434.61 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	7.0	3.5

§ 434.44 [Reserved]

§ 434.45 New source performance standards (NSPS).

(a) Except as provided in 40 CFR 401.17 and § 434.61 and, with respect to mine drainage from surface areas of a coal mine and drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following new source performance standards shall be achieved for any discharge from a new source subject to this subpart:

NSPS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	6.0	3.0
TSS	70.0	35.0
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0 at all times.

Subpart E—Post-Mining Area

§ 434.50 Applicability: The provisions of this subpart are applicable to discharges from post-mining areas.

§ 434.51 [Reserved]

§ 434.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

(a) *Reclamation Areas.* The limitations in this subparagraph apply to discharges from reclamation areas until the performance bond issued to the facility by the appropriate SMCRA authority has been released.

(1) Except as provided in 40 CFR 125.30-125.32, 40 CFR 401.17 and §§ 434.61 and 434.63(b) of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subsection after application of the best practicable control technology currently available:

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Settleable Solids	0.5 ml/l	
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0 at all times.

(b) *Underground Mine Drainage.* The limitations in this subparagraph apply to discharges from the underground workings of underground mines until SMCRA bond release.

(1) Except as provided in 40 CFR 125.30-125.32, 40 CFR 401.17 and §§ 434.61 and 434.62 and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the

concentration or quality of pollutants in acid or ferruginous mine drainage subject to the provisions of this subsection after application of the best practicable control technology currently available:

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	7.0	3.5
Manganese, total	4.0	2.0
TSS	70.0	35.0
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0 at all times.

(2) Except as provided in 40 CFR 125.30-125.32, 40 CFR 401.17, § 434.61 and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants in alkaline mine drainage subject to the provisions of this subsection after application of the best practicable control technology currently available:

BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	7.0	3.5
TSS	70.0	35.0
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0 at all times.

§ 434.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best available technology economically achievable (BAT).

(a) *Reclamation Areas.* The limitations of this subsection apply to discharges from reclamation areas until SMCRA bond release.

(1) Except as provided in 40 CFR 125.30-125.32, and §§ 434.61 and 434.63(b) of this part, the following limitations establish the concentration or quality of pollutants which may be discharged by a point source subject to the provisions of this subsection after application of the best available technology economically achievable:

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Settleable Solids	0.5 (ml/l)	

(b) *Underground Mine Drainage.* The limitations in this subsection apply to discharges from the underground workings of underground mines until SMCRA bond release.

(1) Except as provided in 40 CFR 125.30-125.32, and §§ 434.61, 434.62, and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants in acid or ferruginous mine drainage subject to the provisions of this subsection after application of the best available technology economically achievable:

BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	7.0	3.5
Manganese, total	4.0	2.0

(2) Except as provided in 40 CFR 125.30-125.32, and § 434.61, and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following limitations establish the concentration or quality of pollutants in alkaline mine drainage subject to the provisions of this subsection after application of the best available technology economically achievable:

BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	7.0	3.5

§ 434.54 [Reserved]

§ 434.55 New source performance standards (NSPS).

The following new source performance standards shall apply to the post-mining areas of all new source coal mines:

(a) *Reclamation Areas.* The standards of this subparagraph apply to discharges from reclamation areas at new source coal mines until SMCRA bond release.

(1) Except as provided in 40 CFR 401.17 and §§ 434.61 and 434.63(b) of this part, the following new source performance standards shall be achieved for a discharge subject to the provisions of this subparagraph:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Settleable Solids	0.5 ml/l	
pH	(¹)	

¹ Within the range of 6.0 to 9.0 at all times.

(b) *Underground Mine Drainage.* The standards in this subsection apply to discharges from the underground workings of new source underground mines until bond release.

(1) Except as provided in 40 CFR 401.17 and §§ 434.61, 434.62, and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following new source performance standards shall be achieved for the discharge of any acid or ferruginous mine drainage subject to this subparagraph:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	6.0	3.0
Manganese, total	4.0	2.0
TSS	70.0	35.0
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0 at all times.

(2) Except as provided in 40 CFR 401.17, § 434.61, and, with respect to mine drainage from the underground workings of underground mines which is commingled with surface mine discharges, § 434.63 of this part, the following new source performance standards shall be achieved for the discharge of any alkaline mine drainage subject to this subparagraph:

NSPS Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Concentration in mg/l		
Iron, total	6.0	3.0

NSPS Effluent Limitations—Continued

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
TSS	70.0	35.0
pH	(¹)	(¹)

¹ Within the range 6.0 to 9.0 at all times.

Subpart F—Miscellaneous Provisions

§ 434.60 Applicability.

The provisions of this Subpart apply to this part as specified in Subparts B, C, D, and E.

§ 434.61 Commingling of waste streams.

Where waste streams from any facility covered by this Part are combined for treatment or discharge with waste streams from another facility covered by this Part, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to any component waste stream of the discharge.

§ 434.62 Alternate effluent limitation for pH.

Where the application of neutralization and sedimentation treatment technology results in inability to comply with the otherwise applicable manganese limitations, the permit issuer may allow the pH level in the final effluent to exceed 9.0 to a small extent in order that the manganese limitations can be achieved.

§ 434.63 Effluent limitations for precipitation events.

(a) Any discharge or increase in the volume of a discharge caused by precipitation within any 24 hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of the otherwise applicable limitations:

EFFLUENT LIMITATIONS DURING PRECIPITATION

Pollutant or pollutant property	Maximum for any 1 day (ml/l)	Average of daily values for 30 consecutive days
Settleable Solids	0.5	
pH	(¹)	(¹)

¹ Within the range of 6.0 to 9.0 at all times.

(b) Any discharge or increase in volume of a discharge caused by precipitation within any 24 hour period greater than the 10-year, 24-hour precipitation event (or series of storms of snowmelt of equivalent volume) may comply with the following limitations

instead of the otherwise applicable limitations:

EFFLUENT LIMITATIONS DURING PRECIPITATION

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
pH	(¹)	(¹)

¹ Within the range of 6.0 to 9.0 at all times.

(c) The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in paragraph (a) and (b) of this section.

§ 434.64 Determination of settleable solids.

For the purposes of this part, the following procedure shall be used to determine settleable solids:

(a) Fill an Imhoff cone to the one-liter mark with a thoroughly mixed sample. Allow to settle undisturbed for 45 minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for 15 minutes longer. Record the volume of settled material in the cone as milliliters per liter. Where a separation of settleable and floating materials occurs, do not include the floating material in the reading.

(b) Notwithstanding any provision of 40 CFR Part 136, the method detection limit for measuring settleable solids under this part shall be 0.4 ml/l.

Appendices

Note.—These appendices will not appear in the CFR.

Appendix A—Abbreviations, Acronyms and Units Used in This Notice

- Act—The Clean Water Act.
- Agency—The United States Environmental Protection Agency.
- BADT—Best Available Demonstrated Technology under Sections 304(c) and 306 of the Act.
- BAT (BAT)—The Best Available Technology Economically Achievable, under Section 304(b)(2)(B) of the Act.
- BCT (BCT)—The Best Conventional Pollutant Control Technology, under Section 304(b)(4) of the Act.
- BMP—Best Management Practices under Section 304(e) of the Act.
- BOD—Biochemical Oxygen Demand.
- BPT (BPTA)—The Best Practicable Control Technology Currently Available under Section 304(b)(1) of the Act.
- CWA—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.), as amended by the Clean Water Act of 1977 (Pub. L. 95-217).
- FWPCA—Federal Water Pollution Control Act.
- NPDES Permit—A National Pollutant Discharge Elimination System permit issued under Section 402 of the Act.
- NSPS—New Source Performance Standards under Section 306 of the Act.

OSM—Department of Interior, Office of Surface Mining Reclamation and Enforcement.

POTW—Publicly Owned Treatment Works.

PSES—Pretreatment Standards for Existing Sources of indirect discharges, under Section 307(b) of the Clean Water Act.

PSNS—Pretreatment Standards for New Sources of indirect discharges, under Section 307 (b) and (c) of the Clean Water Act.

RCRA—Resource Conservation and Recovery Act (Pub. L. 94-580) of 1976, Amendments to Solid Waste Disposal Act.

SMCRA—Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87, 30 U.S.C. 1201 et seq.).

SS—Settleable Solids.

TSS—Total Suspended Solids.

UNITS g/kg—gram(s) per kilogram; gps—gallons per day; mgd—million gallons per day; mg/l—milligram(s) per liter; ug/l microgram(s) per liter; ml/l—milliliter(s) per liter.

Appendix B—Priority Organics Not Detected in Treated Effluents of Screening and Verification Samples

1. acenaphthene
2. acrolein
3. acrylonitrile
4. benzidine
5. carbon tetrachloride (tetrachloromethane)
6. chlorobenzene
7. 1,2,4-trichlorobenzene
8. hexachlorobenzene
9. 1,1-dichloroethane
10. 1,1,2-trichloroethane
11. chloroethane
12. bis(chloromethyl) ether
13. bis(2-chloroethyl) ether
14. 2-chloroethyl vinyl ether (mixed)
15. 2-chloronaphthalene
16. 2,4,6-trichlorophenol
17. parachlorometa cresol
18. 2-chlorophenol
19. 1,3-dichlorobenzene
20. 2,4-dichlorophenol
21. 1,2-dichloropropane
22. 1,2-dichloropropylene (1,3-dichloropropene)
23. 2,4-dimethylphenol
24. 2,4-dinitrotoluene
25. 2,6-dinitrotoluene
26. 1,2-diphenylhydrazine
27. bis(2-chloroisopropyl) ether
28. 4-chlorophenyl phenyl ether
29. 4-bromophenyl phenyl ether
30. methyl chloride (chloromethane)
31. methyl bromide (bromomethane)
32. bromoform (tribromomethane)
33. dichlorobromomethane
34. dichlorodifluoromethane
35. chlorodibromomethane
36. hexachlorobutadiene
37. hexachlorocyclopentadiene
38. isophorone
39. nitrobenzene
40. 2-nitrophenol
41. 4-nitrophenol
42. dimethyl phthalate
43. N-nitrosodimethylamine
44. N-nitrosodiphenylamine
45. N-nitrosodi-n-propylamine
46. benzo(a)pyrene
47. 3,4-benzofluoranthene

48. benzo(k)fluoranthene(11, 12-benzofluoranthene)
49. acenaphthylene
50. vinyl chloride (chloroethylene)
51. dieldrin
52. chlordane (technical mixture and metabolites)
53. 4,4'-DDE (p,p-DDX)
54. a-endosulfan-Alpha
55. b-endosulfan-Beta
56. endosulfan sulfate
57. endrin
58. endrin aldehyde
59. PCB 1242 (Arochlor 1242)
60. PCB 1254 (Arochlor 1254)
61. PCB 1221 (Arochlor 1221)
62. PCB 1232 (Arochlor 1232)
63. PCB 1248 (Arochlor 1248)
64. PCB 1260 (Arochlor 1260)
65. PCB 1016 (Arochlor 1016)
66. toxaphene
67. 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD)

Appendix C—Priority Organics Detected in Treated Effluents at One or Two Mines Always at Levels Below 10 ug/l

1. 1,2-dichloroethane
2. hexachloroethane
3. 1,1,2,2-tetrachloroethane
4. 1,4-dichlorobenzene
5. 3,3'-dichlorobenzidine
6. fluoranthene
7. bis(2-chloroethoxy) methane
8. 2,4-dinitrophenol
9. 4,6-dinitro-o-cresol
10. pentachlorophenol
11. di-n-octyl phthalate
12. benzo(a)anthracene
13. chrysene
14. anthracene
15. fluorene
16. phenanthrene
17. pyrene
18. benzo(g,h,i)perylene
19. aldrin
20. 4,4'-DDT
21. 4,4'-DDD
22. heptachlor
23. heptachlor epoxide

Appendix D—Priority Organics Detected But Present Due to Contamination of Screening and Verification Samples by Sources Other Than Those Sampled

1. benzene
2. chloroform
3. methylene chloride
4. phenol
5. bis(2-ethylhexyl) phthalate
6. butyl benzyl phthalate
7. di-n-butyl phthalate
8. diethyl phthalate
9. toluene
10. tetrachloroethylene

Appendix E—Priority Organics Detected But Present in Amounts Too Small To Be Effectively Reduced

1. 1,1,1-trichloroethane
2. 1,1-dichloroethylene
3. 1,2-trans-dichloroethylene
4. ethylbenzene
5. trichlorofluoromethane
6. trichloroethylene
7. 1,2-dichlorobenzene

8. naphthalene
9. dibenzo(a,h)anthracene
10. indeno(1,2,3-c,d)pyrene
11. BHC-Alpha
12. BHC-Beta
13. BHC-Gamma
14. BHC-Delta

Appendix F—Priority Metals Detected But At Levels Too Small To Be Effectively Reduced

1. antimony
2. beryllium
3. cadmium

4. silver
5. thallium

Appendix G—Priority Metals Detected But Effectively Controlled By BPT Technology

1. arsenic
2. chromium
3. copper
4. lead
5. mercury
6. nickel
7. selenium
8. zinc

Appendix H—Other Priority Pollutants Excluded

1. Cyanide—detected in six treated effluents, although at or below accepted levels of analytical precision.

2. Chrysotile asbestos—detected at levels where the analytical method used to measure asbestos is imprecise. The Agency will re-examine, if necessary, levels of chrysotile asbestos when the method is refined.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next

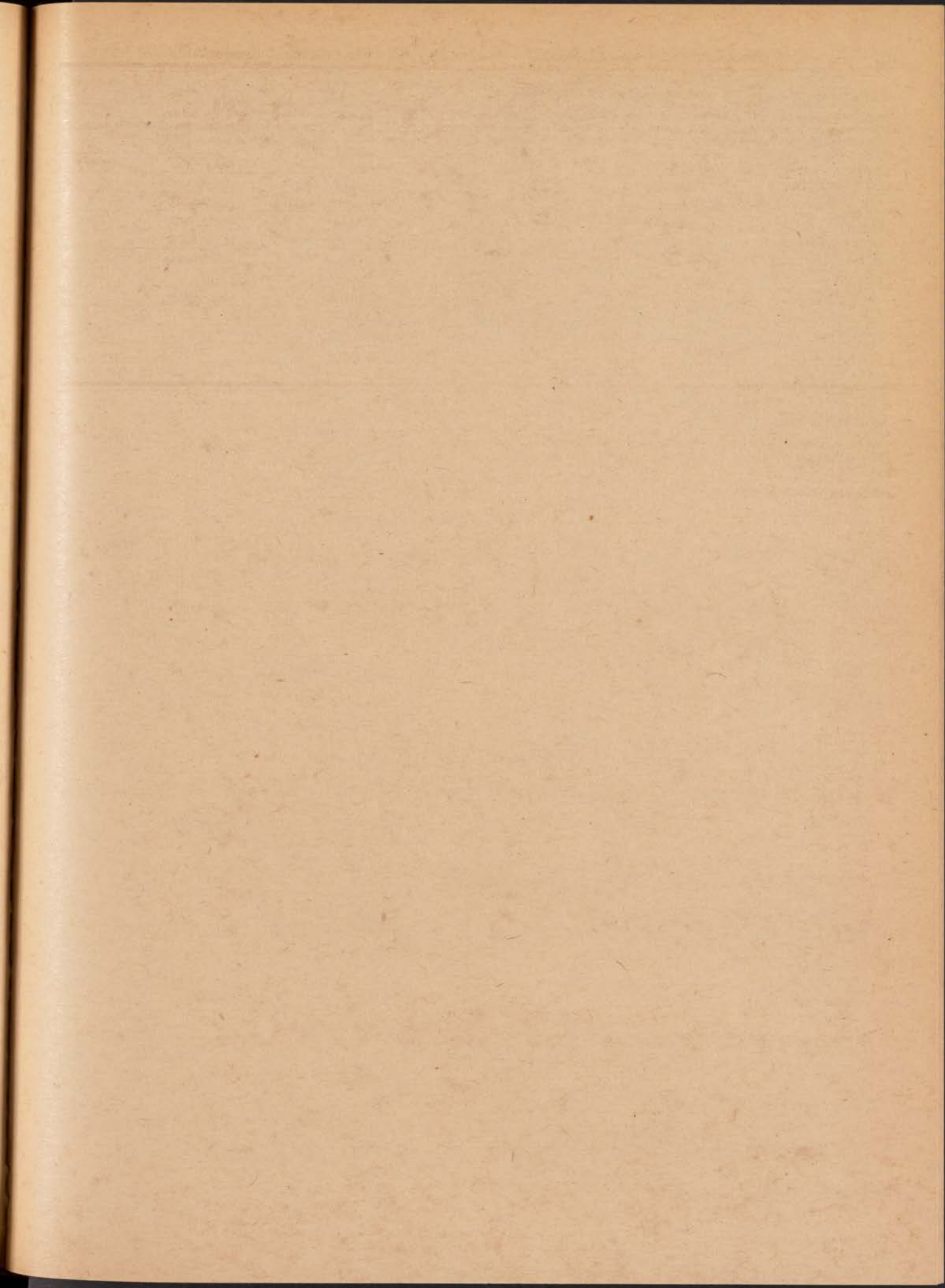
work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

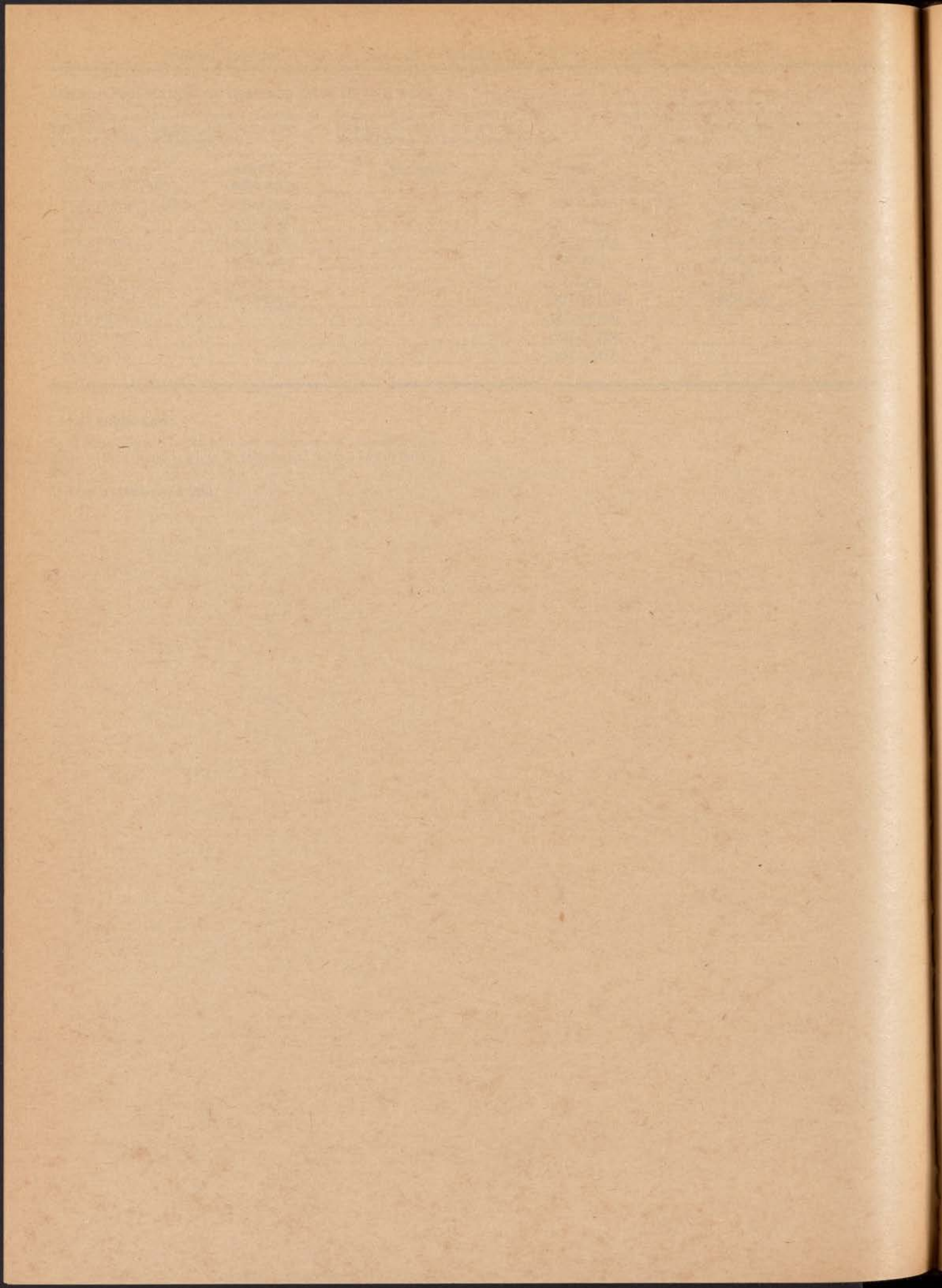
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DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
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DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last Listing October 12, 1982

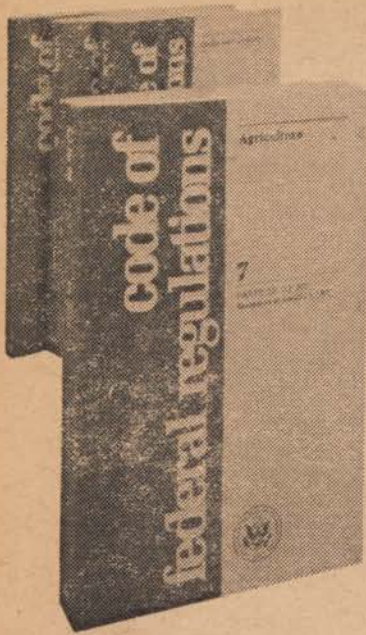




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10-13-82
Vol. 47—No. 198
BOOK 2:
Pages
45401-45628

5010-108-01 Federal Register

OK
Book 2 of 3 Books
Wednesday, October 13, 1982

Part III

Department of Health and Human Services

Privacy Act of 1974; Annual Publication
of Systems of Records

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Privacy Act of 1974; Systems of Records; Annual Republication

AGENCY: Office of Human Development Services (HDS), HHS.

ACTION: Annual republication notices of systems of records.

SUMMARY: The Office of Human Development Services publishes this document to meet the requirements of 5 U.S.C. 552a(e)(4). The listing is complete as of August 31, 1982, and does not include any material which would require a new or altered system report as described in OMB Circular A-108. This republication differs from the 1981 republication (46 FR 52671, October 27, 1981) in that the following system has been deleted:

09-80-0021—Data Bank on Delegates and Observers/1981 White House Conference on Aging. HHS/HDS/WHCoA.

This system has been deleted because the Conference has ended and the Conference Office is being phased out. Proper record close-out procedures are being followed.

In addition, the locations for the following two systems have changed and new systems managers designated accordingly:

09-80-0002—Developmental Disabilities Complaints and Correspondence File. HHS/HDS/ADD.

09-80-0009—ACYF Mailing List. HHS/HDS/ACYF.

These notices do not contain any new routine uses. However, these notices do include modifications for the purpose of completeness, clarity, timeliness, and correctness.

If any errors appear because of inadvertent oversight, we will publish corrections in later issues of the *Federal Register*.

Dated: July 29, 1982.

Jaime L. Manzano,

Acting Assistant Secretary for Human Development Services.

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System Name and System Number:

09-80-0002—Developmental Disabilities Complaints and Correspondence Files. HHS/HDS/ADD.

09-80-0009—ACYF Mailing List. HHS/HDS/ACYF.

09-80-0020—HDS Publications Distribution Mailing List. HHS/HDS/OPA.

09-80-0022—Longitudinal Evaluation of the National Nutrition Program for the Elderly. HHS/HDS/AoA.

09-80-0002

SYSTEM NAME:

Developmental Disabilities Complaints and Correspondence File. HHS/HDS/ADD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 340-E, Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made inquiries regarding complaints or requested information regarding services from Developmental Disabilities program; and those who have commented to the Department on its proposed rules and practices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of individuals submitting correspondence, responses and exchanges of materials associated with investigations of complaints or relaying information to appropriate State or local Developmental Disabilities agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Developmental Disabilities Assistance and Bill of Rights Act (Pub. L. 94-103, as amended by Pub. L. 95-602).

PURPOSE(S):

To assist the States to assure that persons with developmental disabilities receive the care, treatment, and other services necessary to enable them to achieve their maximum potential and to ensure the protection of the legal and human rights of persons with developmental disabilities.

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

(1) Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

(2) Disclosure may be made to a State or local agency or institution against which a complaint has been made.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or

her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records are maintained in hard-copy filed in standard file cabinets.

RETRIEVABILITY:

For the most part records are indexed according to State and within each State by alphabetical name of inquirer. Records are available to ADD staff involved in correspondence and investigative processes, including members of the Office of General Counsel. Occasionally, personnel with special expertise in other programmatic areas or responsible persons at State or local agencies may be given records for the purpose of assisting ADD staff in resolution of issues.

SAFEGUARDS:

Direct access is restricted to authorized ADD staff; access to room in which file cabinets are maintained is limited during non-working hours to those with keys to room.

RETENTION AND DISPOSAL:

Inquiry records are maintained three years; complaint and investigative records are maintained five years past date of case closing and then sent to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Management and Administrative Services Unit, Room 340-E, Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be in writing and should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the

record and specify the information to be contested. State the corrective action sought and the reason(s) for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

Incoming correspondence, responses and material obtained during course of any investigation, individuals themselves.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-80-0009

SYSTEM NAME:

ACYF Mailing List HHS/HDS/ACYF.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administration for Children, Youth & Families, Room 5130, Donohoe Building, 400 6th Street, SW., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Head Start grantees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mailing key contains grantees' names and addresses only.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35).

PURPOSE(S):

To assist ACYF in carrying out its responsibilities to grantees under the Act.

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

- (1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
- (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective

defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Computer tape.

RETRIEVABILITY:

Indexed by code using letters and numbers; used for correspondence, to distribute program information. Addresses will be retrieved by matching of identifier codes with the grantees' names.

SAFEGUARDS:

Access by authorized personnel only.

RETENTION AND DISPOSAL:

List is continually updated. Information is kept as long as accurate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Head Start Bureau, ACYF, P.O. Box 1182, Washington, D.C. 20013.

NOTIFICATION PROCEDURE:

Any inquiry regarding these systems of records should be in writing and should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reason(s) for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

Source of information is directly from grantees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-80-0020

SYSTEM NAME:

HDS Publications Distribution Mailing List. HHS/HDS/OPA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 356G, Hubert Humphrey Bldg., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State and local governmental units, organizations, individuals and grantees who ask to receive HDS publications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, address interest in HDS programs, addressee's field of activity, type of organization, scope of organization, whether provide information or services or both, and media affiliation, if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Titles IV-B, IV-E, and XX of the Social Security Act; Developmental Disabilities Assistance and Bill of Rights Act, Pub. L. 94-103, as amended by Pub. L. 95-602; Title VIII of Pub. L. 93-644, as amended, Native American Programs; Pub. L. 95-266, The Child Abuse Prevention and Treatment Act; Children's Bureau Act of 1912; Pub. L. 93-644, as amended, Headstart—Follow Through Act; 42 U.S.C. 5701, Runaway and Homeless Youth Act; and Older Americans Act of 1965, as amended.

PURPOSE(S):

To assist HDS programs in carrying out their responsibilities to disseminate program information.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Computer tape.

RETRIEVABILITY:

Addresses will be retrieved by name, interest in HDS programs, field of activity, type of organization or level of government, scope of organization, whether the addressee provides information or services or both, or type of media.

SAFEGUARDS:

Access by authorized personnel only.

RETENTION AND DISPOSAL:

List is annually circularized as required by the Joint Committee on Printing and those not responding are dropped from the list.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Publication and Graphic Services, Office of Public Affairs, HDS, 329D, Hubert Humphrey Bldg., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding this system of records should be in writing and should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reason(s) for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

Response to canvass form letters, grant applications, individuals, and governmental units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-80-0022

SYSTEM NAME:

Longitudinal Evaluation of the National Nutrition Program for the Elderly, HHS/HDS/AoA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4747, HHS, 300 Independence Avenue, S.W., Washington, D.C. 20201. Opinion Research, Inc., North Harrison Street, Princeton, N.J. 08540.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants, former participants, and a control group of non-participants in the National Nutrition Program for the Elderly; also nutrition staff and staff of State and Area Agencies on Aging.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information of two types, namely data derived from program reviews and data identifying individual variable characteristics. The former includes performance variables, level of participation, structural and organizational variables, contextual variables, operational problems, project and site history. Individual data includes information about nutritional status, health status, isolation, life satisfaction, longevity and institutionalization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Older Americans Act (Pub. L. 89-73, as amended).

PURPOSE(S):

The purpose of this system is to assist the Secretary in measuring and evaluating the impact of this program as required by the statute.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. The Department has contracted with a private firm for the purpose of collecting, collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are in the possession of the contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

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

Answered questionnaires carrying assigned codes are filed in locked files. The information is transferred to computer tapes.

RETRIEVABILITY:

The matching of identifier codes with the names occurs when the second and subsequent waves of data collection (interviews) are conducted.

SAFEGUARDS:

Access is restricted to persons authorized to perform specific research tasks defined by terms of the contract with the Administration on Aging. The contractor will adhere to the practices described in the Department's ADP *Security Manual*, "Part 6, ADP System Security."

RETENTION AND DISPOSAL:

Records will be retained for three years after the completion of the study and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Planning, Evaluation and Analysis, Room 4747, 300 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding this system of records should be in writing and should be addressed to the System Manager. When requesting notification, an individual should provide his or her name, state of residence, and name of the nutrition site where they participate in the program.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reason(s) for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals respond on a voluntary basis to survey questions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-21765 Filed 10-12-82; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Department of Health and Human Services (DHHS); Public Health Service (PHS); Health Resources Administration (HRA).

ACTION: HRA is publishing this document to meet the requirements of section (3)(e)(4) of the Privacy Act (5 U.S.C. 552a), providing for annual publication of the existence and character of systems of records which are subject to the Act.

SUMMARY: This preamble summarizes significant changes to systems of individually identifiable records which have occurred since the 1981 annual publication. HRA has added no new systems of records since the 1981 annual publication. Nor have we deleted any systems of records from our inventory during the year.

Notices of all systems of records currently maintained by HRA follow this preamble. The notices include modifications for the purposes of clarity, timeliness, and correctness, and are complete as of August 2, 1982. None of the modifications being made at this time meet the OMB criteria for a new or altered system report, or a period of public comment.

SUPPLEMENTARY INFORMATION:

A. General Information

Notices published below describe systems of records maintained by the Health Resources Administration (HRA).

The routine uses set forth in each notice describe permissible disclosures outside the Department of records in that system, which may be made without the consent of individuals who are the subject of those records. Additional disclosures without consent of subject individuals are permitted by the Privacy Act itself in section 3(b), as follows:

(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) required under section 552 of this title (the Freedom of Information Act);

(3) for a routine use as (described in the routine use section of each specific system notice);

(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) to a recipient who has provided the agency with advance adequate written

assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) to another agency or to an instrumentality of any government jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) pursuant to the order of a court of competent jurisdiction.

B. Specific changes

HRA has revised its system notices this year to enhance clarity and specificity, as well as to incorporate normal updating changes, such as U.S.C. citations and system locations. Revisions for clarity and specificity include, but are not limited to the following:

1. The "Purpose" section of Privacy Act system of records 09-35-0027, "Consultants for Office of Health Resources Opportunity," HHS/HRA/OHRO, was rewritten to clarify the purpose of the record system.

2. The "Categories of Individuals Covered by the System" section of Privacy Act system of records 09-35-0044, "Health Professions Planning and Evaluation," HHS/HRA/OA, was revised to include chiropractors and clinical psychologists. This revision was made to conform to provisions contained in the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), which provided for the inclusion of chiropractors and clinical psychologists in the list of health professionals as set forth under section 708 of the Public Health Service Act, as amended (42 U.S.C. 292h).

We are not increasing the number of individuals or expanding the categories

of individuals on whom records are maintained. Chiropractors and clinical psychologists have always been included in the system of records. However, they have been referred to as "other health personnel." This change to the "Categories of Individuals Covered by the System" makes it consistent with the listing of health professionals in section 708 of the Public Health Service Act, as revised by the Omnibus Budget Reconciliation Act of 1981.

Readers who notice any inadvertent errors or omissions in HRA system notices are invited to bring them to my attention at the following address:

Department of Health and Human Services,
Public Health Service, Health Resources
Administration, Office of the
Administrator, Office of Operations and
Management, Center Building, Room 10-27,
3700 East-West Highway, Hyattsville,
Maryland 20782.

Dated: July 30, 1982.

James A. Walsh,

Associate Administrator for Operations and Management.

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- 09-35-0009 Chattanooga Incremental Care Program. HHS/HRA/Bureau of Health Professions.
- 09-35-0013 Indo-China Refugee Physicians and Medical Students. HHS/HRA/Bureau of Health Professions.
- 09-35-0014 National Research Service Awards. HHS/HRA/Bureau of Health Professions.
- 09-35-0016 Professional Nurse Traineeships. HHS/HRA/Bureau of Health Professions.
- 09-35-0027 Consultants for Office of Health Resources Opportunity. HHS/HRA/Office of Health Resources Opportunity.
- 09-35-0044 Health Professions Planning and Evaluation. HHS/HRA/Office of the Administrator.
- 09-35-0045 Nurse Practitioner Traineeships. HHS/HRA/Bureau of Health Professions.

09-35-0005

SYSTEM NAME:

Cycle II Dentist Survey. HHS/HRA/BHPR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All U.S. dentists in 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; practice location; practice characteristics; and professional history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To study the supply and distribution of dentists in each state.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Magnetic tape.

RETRIEVABILITY:

Name within state.

SAFEGUARDS:

Locked file cabinets, personnel screening, and password protection of automated records. Access is restricted to personnel in the professional practices development program area. (Safeguards are in accordance with Part 6, ADP Systems Security of the Department's ADP Systems Manual, with Chapter 45-13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual, and with supplementary Chapter PHS.hf: 45-13.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Institutional Development Branch, Division of Dentistry, BHP, Center Building, Room 3-41, 3700 East-West Highway, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

American Association of Dental Examiners.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-35-0009

SYSTEM NAME:

Chattanooga Incremental Care Program. HHS/HRA/BHP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Elementary school children ages 4-14 who were treated in the Dental Care Program from 1972-1976.

CATEGORIES OF RECORDS IN THE SYSTEM:

Patients' dental records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To study dental health patterns of children in a dental care program.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Magnetic tape.

RETRIEVABILITY:

I.D. Number assigned by program.

SAFEGUARDS:

Locked file cabinets, personnel screening, and password protection of automated records. Access is restricted to personnel in the professional

practices development program area. (Safeguards are in accordance with Part 6, ADP Systems Security, of the Department's ADP Systems Manual, with Chapter 45-13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual, and with supplementary Chapter PHS.hf: 45-13.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Institutional Development Branch, Division of Dentistry, BHP, Center Building, Room 3-41, 3700 East-West Highway, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification. An individual who requests notification of a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. A parent or guardian who requests notification of a child's medical/dental record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child as well as his/her own identity.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record. An individual who requests access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. A parent or guardian who requests access to a child's medical/dental record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child as well as his/her own identity.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific

information you want corrected, and (d) a precise description of the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Tennessee Department of Public Health.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-35-0013

SYSTEM NAME:

Indo-China Refugee Physicians and Medical Students. HHS/HRA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Washington National Records Center, 4205 Suitland Road, Washington, DC 20405.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Indo-China physicians and medical students who applied for certification by the Educational Commission for Foreign Medical Graduates or the National Board of Medical Examiners under the Indo-China Refugee Physicians and Medical Students Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical school attended, specialty or specialty preference, age, sex, and marital status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Indo-China Refugee Migration and Refugee Assistance Act of 1975, Public Law 94-23, (22 U.S.C. 2601).

PURPOSE OF THE SYSTEM:

To establish credentials and eligibility for training of Indo-China refugee physicians and medical students.

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

To persons responsible for admitting candidates to training courses for the ECFMG and the National Board of Medical Examiners examinations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful is likely to directly affect the operations of the

Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

Restricted access in the Federal Records Center. (Safeguards are in accordance with Chapter 45-13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual, and with supplementary Chapter PHS.hf: 45-13.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Educational Development and International Activities Branch, Division of Medicine, BHPr, Center Building, Room 3-22, 3700 East-West Highway, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Questionnaires completed by Indo-China physicians and medical students.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-35-0014

SYSTEM NAME:

National Research Service Awards. HHS/HRA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Program Support—Room 4-22, Division of Nursing—Room 3-50, Center Building, 3700 East-West Highway, Hyattsville, MD 20782.

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of National Research Service Award fellowships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data, education and employment history, reference reports, research background, progress of residency training, and transcripts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 472 (42 U.S.C. 289f-1).

PURPOSE(S):

To select and monitor recipients of fellowship support.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is

compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this Agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or regulation issued under the statute, the relevant records in the system of records may be referred, as a routine use, to the Department of Justice, for the purpose of investigation and possible prosecution of such violation.

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

STORAGE:

File folders and magnetic tape.

RETRIEVABILITY:

Name of individual or application number.

SAFEGUARDS:

Files are locked during non-business hours, personnel screening, locked computer room and tape vault, guard service, and password protection of automated records. Access is restricted to grants management and program personnel responsible for managing the National Research Service Awards program. (Safeguards are in accordance with Part 6, ADP Systems Security, of the Department's ADP Systems Manual, Chapter 45-13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual, and with supplementary Chapter PHS.hf: 45-13.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Grants Management Officer, Office of Program Support, BHP, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a)

suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicants; references (supplied by applicant); sponsoring faculty member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-35-0016

SYSTEM NAME:

Professional Nurse Traineeships.
HHS/HRA/BHP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Program Support—Room 4-22, Division of Nursing—Room 3-50, Center Building, 3700 East-West Highway, Hyattsville, MD 20782.
Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registered nurses who have received Professional Nurse Traineeships.

CATEGORIES OF RECORDS IN THE SYSTEM:

U.S. citizenship verification, nursing licensure verification, education and employment history, and post-traineeship employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 830 (42 U.S.C. 297).

PURPOSE OF THE SYSTEM:

To select and monitor recipients of traineeships. Also used for statistical reports and program evaluation.

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

The length of allowable support for a particular applicant may be disclosed to participating schools.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the

Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by the agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by statute or regulation issued under the statute, the relevant records in the system of records may be referred, as a routine use, to the Department of Justice for the purpose of investigation and possible prosecution of such violation.

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

STORAGE:

File folders and magnetic tape.

RETRIEVABILITY:

Name or I.D. number of individual.

SAFEGUARDS:

Files are locked during non-business hours, personnel screening, locked computer room and tape vault, guard service, and password protection of automated records. Access is restricted to grants management and program personnel responsible for managing the professional nurse traineeship program. (Safeguards are in accordance with Part 6, ADP Systems Security, of the Department's ADP Systems Manual, with Chapter 45-13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual, and with supplementary Chapter PHS.hf: 45-13.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Grants Management Officer, Office of Program Support, BHP, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of that correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicants and participating schools.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-35-0027

SYSTEM NAME:

Consultants for Office of Health Resources Opportunity. HHS/HRA/OHRO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Health Resources Opportunity (OHRO), Center Building, Room 10-50, 3700 East-West Highway, Hyattsville, MD 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private citizens employed as consultants by OHRO.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, phone number, academic history, period of appointment, duties performed for OHRO.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE OF THE SYSTEM:

To identify and locate consultants with experience in projects concerning health disadvantaged assistance.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

File folders.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

Locked file cabinets with access by authorized personnel only and general building security. (Safeguards are in accordance with Chapter 45-13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual, and with supplementary Chapter PHS.hf: 45-13.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standards.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Office of Health Resources Opportunity, O.A., Center Building, Room 10-50, 3700 East-West Highway, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Subject individuals, peer referrals, previous employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-35-0044

SYSTEM NAME:

Health Professions Planning and Evaluation. HHS/HRA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Resources Administration, Center Building, 3700 East-West Highway, Hyattsville, MD 20782.

In addition, data are at contractor and field work sites as studies are developed, data collected, and reports

written. You may request a list of locations where individually identifiable data are currently located from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Health professionals and students in the various health professions. Physicians, dentists, pharmacists, optometrists, podiatrists, veterinarians, public health personnel, audiologists, speech pathologists, health care administration personnel, nurses, allied health personnel, medical technologists, chiropractors, clinical psychologists, and other health personnel may be included.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, health profession, education history, academic grades, employment history, nationality, race, ethnicity, economic background, and sex. The specific data items collected and maintained are determined by the needs of the individual project.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 708 (42 U.S.C. 292h), Health Professions Data, Section 787 (42 U.S.C. 295g-7), Educational Assistance to Individuals from Disadvantaged Backgrounds, Section 798 (42 U.S.C. 295h-7), Educational Assistance to Disadvantaged Individuals in Allied Health Training, and Section 820 (42 U.S.C. 296k), Special Project Grants and Contracts.

PURPOSE(S):

The Health Resources Administration uses various records in this system to identify problems in the health care training and delivery systems, plan programs to correct those problems, and evaluate the effectiveness of the resultant programs. The agency assesses the current supply of health professionals and predicts the supply needs of the future. The agency determines nationwide requirements as well as the needs of specific areas.

The agency also collects data on the educational system which supplies health professionals and on specific health education programs. The data are used to develop and test new methods of training and utilizing health professionals.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry

from the congressional office made at the request of that individual.

A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; and

(d) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

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

STORAGE:

File folders, magnetic tape, card files, microfilm, microfiche, and disk storage. The needs of each project determine the types actually used.

RETRIEVABILITY:

By name. In some instances an assigned number may be used to retrieve records.

SAFEGUARDS:

Locked building, locked rooms, locked file cabinets, personnel screening, locked computer rooms and computer tape vault, guard service, password protection of automated records, and

limited access to only authorized personnel may be used. Particular safeguards are selected as appropriate to the type of records included in each project. Authorized personnel are generally limited to contractor personnel directly involved in data collection, compilation, and analysis. (Safeguards are in accordance with Part 6, ADP Systems Security of the Department's ADP Systems Manual, with Chapter 45-13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual, and with supplementary Chapter PHS.hf: 45-13.)

RETENTION AND DISPOSAL:

The contractor removes personal identifiers and destroys the records when they are no longer needed, as appropriate to the specific project. (Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the Records Control Schedule of the Health Resources Administration.) You may obtain a copy of the disposal standard for a particular project by writing to the System Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Contracting Officer, Health Resources Administration, Center Building, Room 9-22, 3700 East-West Highway, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification and, if possible, information about the specific project.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification, a reasonable description of the record and, if possible, information about the specific project.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Subject individuals, state and local health departments, other health providers, health professions schools, and health professions associations may provide information depending on the individual project involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-35-0045

SYSTEM NAME:

Nurse Practitioner Traineeships.
HHS/HRA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Resources Administration,
Center Building, Room 3-50 and Room 4-22, 3700 East-West Highway,
Hyattsville, MD 20782.

Washington National Records Center,
4205 Suitland Road, Washington, DC 20405.

Health Services Administration,
Accounting and Finance Branch,
Parklawn Building, Room 16-23, 5600
Fishers Lane, Rockville, MD 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals selected to receive nurse practitioner traineeships by schools participating in the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

A trainee's case file contains a "Traineeship Award Agreement," "Verification of Address Card," and related correspondence with the individual and school(s) attended. Personal information includes name, current address, home address and address of the primary medical care practice location. Social security medical records or reports may be included when a trainee has requested suspension or cancellation of the payment or practice obligation because of medical disability. After determination of the claim, medical records will be returned to the subject individual or authorized representative.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 822(b) (42 U.S.C. 296m).

PURPOSE(S):

The purpose of the system is to carry out the Department's responsibilities for the Nurse Practitioner Traineeship Program. The Health Resources Administration uses the records to: (1) determine eligibility of trainees selected by participating schools, (2) determine that the nature, location and duration of practice meets the service commitment of nurses who completed their training, and (3) recover funds from trainees who do not fulfill their practice commitment.

The records in the system are also used by the Health Services Administration, Accounting and Finance Branch, to monitor the contractual obligations of trainees found to be in default. If the trainee does not fulfill the service commitment, the trainee must repay the traineeship support received, plus interest, to the U.S. Treasury.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to organizations considered qualified by the Secretary to conduct studies to evaluate the program.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or regulation

issued under the statute, the relevant records in the system of records may be referred, as a routine use, to the Department of Justice for the purpose of investigation and possible prosecution of such violation.

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

STORAGE:

File folders, magnetic tape, and disk storage.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Locked file cabinets, personnel screening, locked computer rooms and computer tape vault, guard service, and password protection of automated files. Access is restricted to personnel responsible for managing the nurse practitioner traineeship program. (Safeguards are in accordance with Chapter 45-13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual, with supplementary Chapter PHS.hf: 45-13, and with Part 6, ADP Systems Security, of the Department's ADP Systems Manual.)

RETENTION AND DISPOSAL:

Case files are retired to a Federal Records Center three years after all activity is terminated, usually when the practice or payment obligation has been fulfilled or cancelled. Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. You may obtain a copy of the disposal standard by writing to the System Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Nursing Education Branch, Division of Nursing, BHP, Center Building, Room 3-50, 3700 East-West Highway, Hyattsville, MD 20782.

NOTIFICATION PROCEDURE:

To determine if you are the subject of a record, contact the System Manager and provide suitable identification. An individual who requests notification of a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURE:

To obtain access to your record, contact the System Manager and provide suitable identification and a reasonable description of the record. An individual who requests access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

CONTESTING RECORD PROCEDURE:

To correct your record, contact the System Manager and provide (a) suitable identification, (b) a reasonable description of the record, (c) the specific information you want corrected, and (d) a precise description of the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals in the system and participating institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-21767 Filed 10-12-82; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Department of Health and Human Services (DHHS); Public Health Service (PHS); Food and Drug Administration (FDA).

ACTION: Annual republication of notices of systems of records.

SUMMARY: FDA publishes this document to meet the requirements of the Privacy Act, 5 U.S.C. 552a(e)(4). The listing of notices does not contain any material which would require a new or altered systems report as described in Office of Management and Budget (OMB) circular A-108. The notices do not contain any new routine uses. Nevertheless, they do include modifications for the purposes of clarity, timeliness and correctness and are complete as of August 13, 1982.

SUPPLEMENTARY INFORMATION:

General Information:

1. The routine uses set forth in each notice describe permissible disclosures outside the Department of records in that system, which may be made without the consent of individuals who are the subjects of those records. Additional disclosures without consent of subject individuals are permitted by the Privacy Act in Section 3(b) as follows:

(1) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) Required under section 552 of this title (the Freedom of Information Act);

(3) For a routine use as (described in the routine use section of each specific system notice);

(4) To the Bureau of Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation of the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any government jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the

agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

2. FDA has revised many of its system notices this year to enhance clarity and specificity, as well as to incorporate normal updating changes in designated system manager or in system location. Revisions for clarity and specificity include, but are not limited to, the following:

a. Addition to the "Notification Procedures" or "Record Access Procedures" section of system notices the specific information which the system manager needs in order to verify that the subject individual is who he or she claims to be, in addition to the information needed in order to locate the records being sought.

b. Addition to the "Safeguards" section of system notices the specific information required to show that safeguards are in compliance with applicable standards.

c. Addition to the "Routine Uses" section of system number 09-10-0017 statements pertaining to routine use for research purposes which were inadvertently omitted in the last publication.

d. Expansion of the "Categories of Records in the System" section of system number 09-10-0009 to include patient medical records. This expansion of records in the system does not constitute a major alteration requiring advance publication for public comments. FDA is correcting an administrative oversight; medical records have been part of this system since its inception.

B. Deleted Systems of Records: System notices which FDA has deleted were last published in the *Federal Register* on October 27, 1981 (Vol. 46, No. 207, Part VI). The page numbers in parentheses below refer to this publication. The notices deleted and the reasons for deletion, are:

09-10-0006 "Radiation Registry of Physicians," HHS/FDA/BRH (p. 52934).

The system has been merged with system number 09-10-0017, "Epidemiological Research Studies of the Bureau of Radiological Health," HHS/FDA/BRH.

09-10-0014 "Service Contractor Employee Investigative Records," HHS/FDA/ACMO (p. 52940). The system has been terminated, and the records have been destroyed.

Dated: August 13, 1982.

Roger W. Miller,

Acting Associate Commissioner for Public Affairs.

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- 09-10-0003 FDA Credential Holder File. HHS/FDA/EDRO.
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- 09-10-0005 State Food and Drug Official File. HHS/FDA/EDRO.
- 09-10-0007 Science Advisor Research Associate Program (SARAP). HHS/FDA/EDRO.
- 09-10-0008 Radiation Protection Program Personnel Monitoring System. HHS/FDA/BRH.
- 09-10-0009 Special Studies and Surveys on FDA-Regulated Products. HHS/FDA/ACMO.
- 09-10-0010 Bioresearch Monitoring Information System. HHS/FDA.
- 09-10-0011 Certified Retort Operators. HHS/FDA/BF.
- 09-10-0012 Association of Official Analytical Chemists (AOAC) Member File. HHS/FDA/AOAC.
- 09-10-0013 Employee Conduct Investigative Records. HHS/FDA/ACMO.
- 09-10-0015 Blood Donors for Tissue Typing Sera and Cell Analysis and Related Research. HHS/FDA/NCDB/OB.
- 09-10-0017 Epidemiological Research Studies of the Bureau of Radiological Health. HHS/FDA/BRH.
- 09-10-0018 Employee Identification Card Information Record. HHS/FDA/ACMO.

09-10-0002

SYSTEM NAME:

Regulated Industry Employee Enforcement Records. HHS/FDA/ACMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administrative Services Branch (HFA-210), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

Administrative Branches at Field/District Offices. For the location of Field/District Offices, see Appendix A.

For the location of Federal Archives and Records Centers, see Appendix B.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of enterprises regulated by FDA and other individuals subject to FDA enforcement actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes correspondence, memoranda, inspection reports, and related documents that are investigatory material compiled for law enforcement purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Food, Drug and Cosmetic Act (21 U.S.C. 321 et seq.), the Public Health Service Act (42 U.S.C. 201 et seq.), and authority delegated to the Commissioner, 21 CFR Part 5.

PURPOSE(S):

To provide records used by FDA employees in investigations of possible violations of the law.

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

Records that indicate violation or potential violation of law may be: (1) Referred for investigation and possible enforcement action under the applicable Federal, state, or foreign laws to the Department of Justice; an appropriate state food and drug enforcement health agency or licensing authority; or, the government of a foreign country; or (2) disclosed in administrative or court proceedings in determining whether a record is relevant to an agency decision concerning documents of investigatory materials.

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation, determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from that congressional office at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any

employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Manual files are maintained in letter-size folders. Part of FDA's general records on regulated establishments.

RETRIEVABILITY:

Indexed by company or subject, sometimes with individual name in card cross-index. There is also an automated index to this system. FDA regulatory records lacking individual name indexes, such as its case file, and administrative files (AF), are not part of this system.

SAFEGUARDS:

All files are in locked cabinets in a secured area, locked buildings, locked rooms, and limited access to Administrative Services Branch authorized personnel. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with FDA's Records Control Schedule. The Records Control Schedule and disposal standard for these records may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Services Branch (HFA-210), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in

person, directed to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)). Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the system manager. If access is denied to requested records, an appeal may be made to: Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, from third parties such as consumers, scientists, representatives of other companies, state agencies, or developed by FDA during investigations for law enforcement purposes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from access and contest and certain provisions of the Privacy Act (5 U.S.C. 552a (c)(3), (d) (1) to (4), (e)(3), (e)(4) (G) to (H) and (f), to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, where access would be likely to prejudice the conduct of the investigation.

Appendix A—Addresses and Working Hours of the Food and Drug Administration Field Offices

The following is a list of the Food and Drug Administration Field Offices, their addresses and working hours where individuals may have access to records in Food and Drug Administration Privacy Act Record Systems:

Boston District Office, Region I, 585 Commercial Street, Boston, MA 02109

Office hours: 8:00 a.m. to 4:30 p.m.
Brooklyn District Office, Region II, 850 3rd Avenue, Brooklyn, NY 11232

Office hours: 8:00 a.m. to 4:30 p.m.
New York Import District, Region II, 850
3rd Avenue, Brooklyn, NY 11232
Office hours: 8:00 a.m. to 4:30 p.m.
Buffalo District Office, Region II, 599
Delaware Avenue, Buffalo, NY
14202
Office hours: 8:00 a.m. to 4:30 p.m.
Newark District Office, Region II, 20
Evergreen Place, East Orange, NJ
07018
Office hours: 8:00 a.m. to 4:30 p.m.
San Juan District Office, Region II, P.O.
Box S-4427, San Juan, PR 00905
Office hours: 8:30 a.m. to 4:30 p.m.
Philadelphia District Office, Region III,
2nd and Chestnut Streets, Room
900, Philadelphia, PA 19106
Office hours: 8:00 a.m. to 4:30 p.m.
Baltimore District Office, Region III, 900
Madison Avenue, Baltimore MD
21201
Office hours: 7:45 a.m. to 4:15 p.m.
Atlanta District Office, Region IV, 1182
Peachtree Street, N.W., Atlanta, GA
30309
Office hours: 8:00 a.m. to 4:30 p.m.
Nashville District Office, Region IV, 297
Plus Park Boulevard, Nashville, TN
37217
Office hours: 8:00 a.m. to 4:30 p.m.
Orlando District Office, Region IV, P.O.
Box 118, Orlando, FL 32802
Office hours: 8:00 a.m. to 4:30 p.m.
Chicago District Office, Region V, 433 S.
Van Buren Street, Room 1222,
Chicago, IL 60607
Working hours: 8:00 a.m. to 4:30 p.m.
Cincinnati District Office, Region V,
1141 Central Parkway, Cincinnati,
OH 45202
Office hours: 8:00 a.m. to 4:30 p.m.
Detroit District Office, Region V, 1560
East Jefferson Avenue, Detroit, MI
48207
Office hours: 8:00 a.m. to 4:30 p.m.
Minneapolis District Office, Region V,
240 Hennepin Avenue, Minneapolis,
MN 55401
Office hours: 8:00 a.m. to 4:30 p.m.
Dallas District Office, Region VI, 3032
Bryant Street, Dallas, TX 75204
Office hours: 8:00 a.m. to 4:30 p.m.
New Orleans District Office, Region VI,
4298 Elysian Fields Avenue, New
Orleans, LA 70122
Office hours: 8:00 a.m. to 4:30 p.m.
Kansas City Field Office, Region VII,
1009 Cherry Street, Kansas City,
MO 64106
Office hours: 8:00 a.m. to 4:30 p.m.
Denver Field Office, Region VIII, 721
19th Street, U.S. Customhouse,
Denver, CO 80202
Working hours: 8:00 a.m. to 4:30 p.m.
San Francisco District Office, Region IX,
U.N. Plaza Federal Office Building,
Room 526, San Francisco, CA 94102
Working hours: 8:00 a.m. to 4:30 p.m.

Los Angeles District Office, Region IX,
1521 W. Pico Boulevard, Los
Angeles, CA 90015
Office hours: 8:00 a.m. to 4:30 p.m.
Seattle Field Office, Region X, 909 1st
Avenue, Room 5003, Seattle, WA
98104
Office hours: 8:00 a.m. to 4:30 p.m.
Minneapolis Center for Microbiological
Investigations, 240 Hennepin
Avenue, Minneapolis, MN 55401
Office Hours: 8:00 a.m. to 4:30 p.m.
Winchester Engineering and Analytical
Center, 109 Holton Street,
Winchester, MA 01890
Office hours: 8:00 a.m. to 4:30 p.m.
Houston Station, 1440 N. Loop Suite 250,
Houston, TX 77009
Office Hours: 8:00 a.m. to 4:30 p.m.
St. Louis Station, 808 North Collins
Street, St. Louis, MO 63102
Office Hours: 8:00 a.m. to 4:30 p.m.

Appendix B—General Services Administration Federal Archives and Records Centers

National Centers

District of Columbia, Maryland,
Virginia, and West Virginia, except for
U.S. court records for Maryland,
Virginia, and West Virginia:
Washington National Records,
Washington, D.C. 20409
National Personnel Records Center
(Civilian Personnel Records), 111
Winnebago Street, St. Louis, MO
63118

National Personnel Records Center
(Military Personnel Records), 9700
Page Boulevard, St. Louis, MO 63132

Regional Centers

GSA Region I—Maine, Vermont, New
Hampshire, Massachusetts, Connecticut
and Rhode Island:

Federal Archives and Records Center,
380 Trapelo Road, Waltham, MA
02154

GSA Region 2—New York, New
Jersey, Puerto Rico, the Virgin Islands,
and the Panama Canal Zone:

Federal Archives and Records Center,
Military Ocean Terminal, Building 22,
Bayonne, NJ 07002

GSA Region 3—Delaware,
Pennsylvania east of Lancaster, and U.S.
court records for Maryland, Virginia,
and West Virginia:

Federal Archives and Records Center,
5000 Wissahickon Avenue,
Philadelphia, PA 19144

Pennsylvania except areas east of
Lancaster:

Federal Records Center, Defense
Activities Building 308,
Mechanicsburg, PA 17055

GSA Region 4—North Carolina, South
Carolina, Tennessee, Mississippi,
Alabama, Georgia, Florida, and
Kentucky:

Federal Archives and Records Center,
1557 St. Joseph Avenue, East Point,
GA 30344

GSA Region 5—Illinois, Wisconsin,
Minnesota, and U.S. court records for
Indiana, Michigan, and Ohio:

Federal Archives and Records Center,
7358 South Pulaski Road, Chicago, IL
60629

Indiana, Michigan, and Ohio except
U.S. court records:

Federal Records Centers, 3150 Bertwynn
Drive, Dayton, OH 45439

GSA Region 6—Kansas, Iowa,
Nebraska, and Missouri except greater
St. Louis area:

Federal Archives and Records Center,
2306 East Bannister Road, Kansas
City, MO 64131

Greater St. Louis area (Missouri only):

National Personnel Records Center
(Civilian Personnel Records), 111
Winnebago Street, St. Louis, MO
63118

GSA Region 7—Texas, Oklahoma,
Arkansas, Louisiana, and New Mexico:

Federal Archives and Records Center,
P.O. Box 6216, Fort Worth, TX 76115

Shipping address only (do not use for
mail):

4900 Hemphill Street, Building 1, Dock 1,
Fort Worth, TX

GSA Region 8—Colorado, Wyoming,
Utah, Montana, North Dakota, and
South Dakota:

Federal Archives and Records Center,
Building 48, Denver Federal Center,
P.O. Box 25307, Denver, CO 80225

GSA Region 9—American Samoa,
California, except southern California,
and Nevada, except Clark County:

Federal Archives and Records Center,
1000 Commodore Drive, San Bruno,
CA 94066

Arizona; Clark County, Nevada; and
southern California (counties of San Luis
Obispo, Kern, San Bernardino, Santa
Barbara, Ventura, Los Angeles,
Riverside, Orange, Imperial, Inyo, and
San Diego):

Federal Archives and Records Center,
24000 Avila Road, Laguna Niguel, CA
92677

GSA Region 10—Washington, Oregon,
Idaho, Alaska, Hawaii, and Pacific
Ocean areas (except American Samoa):

Federal Archives and Records Center,
6125 Sand Point Way, Seattle, WA
98115

09-10-0003

SYSTEM NAME:

FDA Credential Holder File. HHS/
FDA/EDRO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

FDA Employees:
Services Management Section (HFA-212), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857
Office Services Section (HFA-230), Associate Commissioner for Management and Operations, 200 C Street, SW, Washington, DC 20204
Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.
State and local Employees:
Division of Federal-State Relations (HFO-30), 5600 Fishers Lane, Rockville, MD 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FDA employees and state and local government employees who have been issued FDA credentials for enforcement activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, job title, social security number, sex, height, weight, date of birth, color of eyes and hair, duty status, and for state and local government employees, professional qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 702 to 704, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372 to 374).

PURPOSE(S):

To issue or reissue credentials which are used to gain entry to regulated establishments.

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

Information may be disclosed to provide assurance to regulated enterprises that an individual is a duly designated enforcement officer and, in the case of state employees, an officer commissioned as an officer of the Department.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Maintained in letter-size manila folders or card files.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Masterfile is in locked containers in secured area, locked rooms, and 24-hour guard service. Limited access to Administrative Services Branch, and Management and Operations Staff authorized personnel. Safeguards are established in accordance with chapters 45-13 of the Department's General Administration Manual.

RETENTION AND DISPOSAL:

Records are retained as long as individual is a duly designated or commissioned official; inactive files destroyed after 6 months. The records are destroyed by shredding, burning, or other appropriate means so as to render them illegible.

SYSTEM MANAGER(S) AND ADDRESS:

FDA Employees:
Chief, Services Management Section (HFA-212), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857
Chief, Office Services Section (HFA-230), Associate Commissioner for Management and Operations, 200 C Street, SW, Washington, DC 20204
Administrative Branch at Field/District Offices. For the location of Field-District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

Federal-State Officer at Field/District Offices. For the location of Field District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

State Employees:

Director, Division of Federal-State Relations (HFO-30), 5600 Fishers Lane, Rockville, MD 20857

Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in

person, directed to: FDA Privacy Act Coordinator (HFL-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA regulations (21 CFR 21.40).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50).)

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0004

SYSTEM NAME:

Communications (Oral and Written) With The Public. HHS/FDA/ACMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administrative Services Branch (HFA-210), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857
Office of Legislation and Information (HFL-1) Associate Commissioner for Legislation and Information, 5600 Fishers Lane, Rockville, MD 20857
Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, other than employees of enterprises regulated by FDA, who communicate with FDA or, in some cases, are the subject of communications by others with FDA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes correspondence from and to individuals, summaries of conversations prepared by FDA employees, and records prepared by FDA as a follow-up to consumer complaints, oral and written. Administrative Services Branch files include copies of correspondence received from the public, and the FDA reply. The Office of Legislation and Information maintains duplicates of letters FDA sends to members of Congress and summaries or oral inquiries in files organized by members' names. The Office of Legislation and Information maintains a manual control system and the Executive Secretariat, Office of the Commissioner, maintains an automated control system of pending correspondence needing reply.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.); the Public Health Service Act (42 U.S.C. 201 et seq.), and authority delegated to the Commissioner (21 CFR 5.1).

PURPOSE(S):

To aid FDA employees in carrying out their responsibilities, e.g., responding to follow-up correspondence on complaints, requests for information, etc.

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

Records that indicate violation or potential violation of law may be: (1) Referred for investigation and possible enforcement action under the applicable Federal, state, or foreign laws to the Department of Justice; and appropriate state food and drug enforcement health agency or licensing authority; or the government of a foreign country; or (2) disclosed in administrative or court proceedings in determining whether a record is relevant to an agency decision concerning documents of investigatory materials.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Manual files are maintained in letter-size folders.

RETRIEVABILITY:

Records are arranged by company or by subject. A card index gives correspondent's name, date of letter,

subject and location. Field offices file consumer complaints by complainant's names.

SAFEGUARDS:

All files are stored in locked cabinets in secured areas, locked buildings, locked rooms, locked file cabinets. Limited access to FDA employees who display an FDA identification card, GAO employees upon approval of GAO Liaison Officer, Operations Coordination Staff, OMO, employees of DHHS agencies other than FDA upon completion of agreement between FDA and the agency concerned, display of Governmental identification card and signing of the Commitment to Protect Privileged Information form. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with FDA's Records Control Schedule. The Records Control Schedule and disposal standard for these records may be obtained by writing to the system manager at the appropriate address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Services Branch (HFA-210), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857
Office of Legislation and Information (HFL-1), Associate Commissioner for Legislation and Information, 5600 Fishers Lane, Rockville, MD 20857
Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURE:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained or others (generally members of Congress) who write to FDA about them.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0005**SYSTEM NAME:**

State Food and Drug Official File. HHS/FDA/EDRO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Federal-State Relations (HFO-30), 5600 Fishers Lane, Rockville, MD 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State Officials who have responsibilities related to those of the Food and Drug Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, date of birth, education and professional experience, and state in which employed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(a)).

PURPOSE(S):

To provide to FDA the names of State Officials who have responsibilities related to those of the Food and Drug Administration.

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

* Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United

States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Maintained in letter-size manila folders.

RETRIEVABILITY:

Indexed by name and state.

SAFEGUARDS:

Maintained in locked files and locked cabinets within a secured area with 24-hour guard services. Limited access to the Office of Policy Management, and Division of Federal-State Relations employees engaged in contracts or any other activity involving commissioning. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual.

RETENTION AND DISPOSAL:

Records are retained as long as individual is a state employee or until updated by the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Federal-State Relations (HFO-30), 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

RECORD ACCESS PROCEDURE:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0007

SYSTEM NAME:

Science Advisor Research Associate Program (SARAP). HHS/FDA/EDRO

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Research Branch, Division of Field Operations (HFO-620), Executive Director of Regional Operations, 5600 Fishers Lane, Rockville, MD 20857.

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FDA field personnel who have applied to participate in full-time research effort under the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, curriculum vitae, description of research proposal, budget, and statement of career goals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702(a) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 372(a)]; Sections 301 of the Public Health Service Act (42 U.S.C. 241) and 311 of the PHS Act (42 U.S.C. 243).

PURPOSE(S):

To monitor the progress of research objectives of approved individual SARAP research projects.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Maintained in letter-size manila folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Files are maintained in secured file containers or in secured file area with personnel screening, 24-hour guard services, and limited access to Research Branch support and technical staff, as well as District's Supervisory Investigators and Management employees. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with FDA's Records Control Schedule. The Records Control Schedule and disposal standard for these records may be obtained by writing the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Research Branch, Division of Field Science (HFO-620), Executive Director of Regional Operations, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: FDA Privacy Act Coordinator (HFI-30), Food and Drug

Administration, 5600 Fishers Lane,
Rockville, MD 20857

RECORD ACCESS PROCEDURE:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0008

SYSTEM NAME:

Radiation Protection Program
Personnel Monitoring System. HHS/
FDA/BRH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Health Affairs, Bureau of
Radiological Health, 1901 Chapman
Avenue, Rockville, MD 20857
Radiation Detection Company, 162
Wolfe Road, P.O. Box 1414,
Sunnyvale, CA 94088

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Public Health Service Personnel in clinics, laboratories, hospitals, research facilities, etc., who work with ionizing radiation sources required to be monitored by Nuclear Regulatory Commission or Occupational Safety and Health Administration regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, date of birth, social security account number, job code, period of exposure, effective date, and radiation exposure value.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Atomic Energy Act of 1954 (68 Stat. 919 et seq). Nuclear Regulatory Commission Regulations, 10 CFR Part 20; Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq.).

Occupational Safety and Health
Administration Regulations, 29 CFR
1910.96.

PURPOSE(S):

To monitor incremental and accumulated exposure to ionizing radiation for radiation protection purposes.

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

Results are disclosed to employers, i.e., clinics, laboratories, etc. to determine the amount of ionizing radiation in order to detect whether the health of the individual worker might be affected.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Maintained on magnetic disc computer data bank, with back-up stored securely off-site. Hard copies are maintained in letter-size folders.

RETRIEVABILITY:

Indexed by name, Social Security account number, and facility.

SAFEGUARDS:

Computer software is password protected and access is restricted by Resource Access Control Facility (RACF). Hard copies are filed in secured files, locked buildings, locked rooms and controlling security personnel stationed at key access points to the record area. Access limited to authorized Bureau of Radiological Health agency and contractor personnel. The contractor is required to maintain confidentiality safeguards with respect to these records. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Indefinite retention on magnetic disc.

SYSTEM MANAGER(S) AND ADDRESS:

Radiation Safety Officer (HFX-3), 5600
Fishers Lane, Rockville, MD 20857

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable

identification if request is made in person, directed to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0009

SYSTEM NAME:

Special Studies and Surveys on FDA-Regulated Products. HHS/FDA/ACMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Negotiated Contracts Branch (HFA-510),
Associated Commissioner for
Management and Operations, 5600
Fishers Lane, Rockville, MD 20857

A current list of contract sites is available by writing to the system manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, specialty groups, and households participating voluntarily in FDA-sponsored studies and surveys.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data collected vary with each study/survey. Normal standard information for individuals or household members varies but could include name, age, sex, marital status, address or locale of residence, etc. Nondemographic items relate to experience with, or opinions about, a particular product. Patient medical records may be included in some cases involving specific health problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 701(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

PURPOSE(S):

Used to provide data on individuals, specialty groups, e.g., physicians and households participating voluntarily in FDA-sponsored studies and surveys.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Questionnaires and data are filed in standard filing equipment. Some statistical data are stored on magnetic tape.

RETRIEVABILITY:

Accessed by ID number assigned by contractor during collection process. Individual files are maintained in agency and contractor's custody until all collection procedures are completed.

SAFEGUARDS:

Questionnaires and data are maintained in locked containers in secured area. Magnetic tapes are maintained in secure computer facilities with access limited to program personnel with knowledge of the computer password, which is changed periodically. Locked building, locked rooms, locked file cabinets, and locked tape vaults. Two or more of these safeguards are used for all records covered by this system notice. The

particular safeguards used are selected as appropriate for the type of record covered by this system. The contractor is required to maintain confidentiality safeguards with respect to these records. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP System Manual.

RETENTION AND DISPOSAL:

Questionnaires and data are retained until all statistical problems are resolved; then destroyed. The records are destroyed by shredding, burning, or other appropriate means so as to render them illegible.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Negotiated Contracts Branch
(HFA-510), 5600 Fishers Lane,
Rockville, MD 20857.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These access procedures are in accordance with FDA regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained or patient's medical records, depending on the type of survey or study.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0010

SYSTEM NAME:

Bioresearch Monitoring Information System. HHS/FDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Scientific Investigations
(HFD-180), Office of New Drug
Evaluation, 5600 Fishers Lane,
Rockville, MD 20857
Division of Biologics Evaluation (HFB-
700), Office of Biologics, 8800
Rockville Pike, Bethesda, MD 20205
Bioresearch Monitoring Staff (HFK-142),
Bureau of Medical Devices, 8757
Georgia Avenue, Silver Spring, MD
20910

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clinical investigators who are conducting, or have conducted, clinical studies of new drugs and devices under investigational new drug and devices exemption requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated file is maintained on all clinical investigators; contains name, education, professional qualifications and background, PODS locator code, and information on studies being conducted. Manual file contains, in addition to that same information, investigatory material collected by, or developed by, FDA, during investigations of possible violations of statutes and regulations governing new drug and/or device studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 505(i)(3), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)(3); 21 CFR Part 312) (New drugs for investigational use). Section 505(i)(3), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j); 21 CFR Part 312) (New devices for investigational use).

PURPOSE(S):

To provide the clinical investigators, who have conducted clinical studies, information on new drugs and devices under investigational new drug and device exemption requests. To provide controls to assure that investigators meet requirements of statute or regulations governing new drug and device studies. To serve as a data base for the effective performance of

activities necessary for the conduct of the bioresearch monitoring program.

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

Records that indicate violation or potential violation of law may be: (1) Referred for investigation and possible enforcement action under the Federal, State, or foreign laws to the Department of Justice, an appropriate State food and drug enforcement agency or licensing authority, or the government or a foreign country where studies are being or have been conducted; or (2) disclosed in administrative or court proceedings in determining whether a record is relevant to an agency decision concerning investigatory materials.

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation, determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Manual files compiled of investigations of possible violations of statutes and regulations are maintained in letter-size manila folders. Automated files are maintained on magnetic disk or tape.

RETRIEVABILITY:

Indexed by name or code number.

SAFEGUARDS:

All files, including printouts and computer output microfilm, are stored in secured areas, locked buildings, locked rooms, and locked tape vaults and lockable data media cabinets. Access is limited to staff of the Division of Scientific Investigations, Division of Drug Information Resources, Management and Data Systems Branch, Division of Biologics Evaluation, inspectors in the Office of Biologics, Personnel of the Bioresearch Monitoring Staff, and District Consumer Safety Officers who gather data during inspections and investigations. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records output from the system for referenced printout or computer output microfilm are retained for one update cycle, or quarterly. Disposal of records is accomplished through a disintegrator or shredder.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Scientific Investigations (HFD-180), Office of New Drug Evaluation, 5600 Fishers Lane, Rockville, MD 20857.

Director, Division of Biologics and Evaluation (HFB-700), Office of Biologics, 8800 Rockville Pike, Bethesda, MD 20205.

Director, Bioresearch Monitoring Staff (HFK-142), Bureau of Medical Devices, 8757 Georgia Avenue, Silver Spring, MD 20910.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: FDA Privacy Act Coordinator, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40).) Access to record systems which have been granted an exemption from the Privacy Act requirements may be made at the discretion of the system manager. If access is denied to requested records, an appeal may be made to: Commissioner, Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50).)

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained. Some material is obtained from third parties, e.g., drug companies, publications, or is developed by FDA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a (c)(3), (d) (1) to (4), (e)(3), (e)(4) (G) to (H) and (f) to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, where access would be likely to prejudice the conduct of the investigation.

09-10-0011

SYSTEM NAME:

Certified Retort Operators. HHS/FDA/BF.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Food Technology (HFF-210), Bureau of Foods, 200 C Street, S.W., Washington, DC 20204

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Food industry employees who have attended courses of instruction relating to operation of retorts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name and training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 404 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 344); 21 CFR 128b.10.

PURPOSE(S):

To ascertain that programs exist in regulated establishments relating to food industry employees instructed in operating retorts.

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

Records in this system showing that a low-acid canned food establishment not having supervised canning retort operations may be: (1) referred for investigation and possible enforcement action against the company and responsible officials, to the Department of Justice, or appropriate State food and drug law enforcement agencies, or (2) disclosed in administrative or court proceedings in determining whether a record is relevant to an agency decision concerning documents of investigatory materials.

Most records in the system may be disclosed (1) under the Freedom of Information Act (5 U.S.C. 522) or (2) to a food company who may be advised as to whether an individual has satisfied FDA requirements.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Maintained in standard filing equipment and on magnetic tape.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Magnetic tapes are stored in locked containers in secured area. Individual printouts/original hard copy records are stored in regular administrative files, maintained in secured file area or secured file containers. Locked buildings, and secured tape vaults. Limited access to Bureau of Foods Staff and Program/Planning Section authorized personnel. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with FDA's Records Control Schedule. The Records Control Schedule and disposal standard for these records may be obtained by

writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Food Technology (HFF-210), 200 C Street, SW, Washington, D.C. 20204

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

RECORD ACCESS PROCEDURE:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under the Notification Procedure and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Educational institutions that conduct retort operator training.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0012

SYSTEM NAME:

Association of Official Analytical Chemists (AOAC) Member File. HHS/FDA/AOAC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

FDA Liaison Office for AOAC, 200 C Street, SW, Washington, DC 20204

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AOAC committee members, subcommittee members, referees and associate referees (employed by FDA, related Federal or state agencies, universities, or regulated industry). Shows individuals involved in AOAC scientific activities, e.g., developing methods for determining adulteration of food, drugs, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, address, telephone number, and area of study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(a); section 301 of the Public Health Service Act (42 U.S.C. 241).

PURPOSE(S):

To provide a service for AOAC on its committee membership. Primary use of the system is the preparation of an annual publication listing AOAC projects

To provide a mailing list and to identify individuals who may be asked to assist FDA.

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

Provided to the Department of Agriculture, Environmental Protection Agency, and the various state agencies that have an interest in development of official analytical methods.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Maintained in letter-size manila folders, card file, and on magnetic tape.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Masterfile is in locked containers in secured area. Individual files are maintained with other administrative files in locked file cabinets. Locked buildings, locked rooms, 24-hour guard service, locked tape vaults, and limited access to analytical chemists, physicists, and persons directly involved in AOAC activities. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records are retained as long as an individual is a participating member, then destroyed. The records are destroyed by shredding, burning, or other appropriate means so as to render them illegible. Magnetic computer tapes and discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

FDA Liaison Officer for AOAC, 200 C Street, SW., Washington, D.C. 20204

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURE:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0013

SYSTEM NAME:

Employee Conduct Investigative Records, HHS/FDA/ACMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Policy Management Staff (HFA-20), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees, or special Government employees of FDA who are alleged to have violated FDA or Departmental regulations and/or Federal statutes.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes records relating to correspondence concerning an individual's employment status or conduct while employed by FDA. Examples of these records include:

correspondence from employees, Members of Congress and members of the public alleging misconduct by an official of FDA. It also contains reports of investigations to resolve allegations of misconduct or violations of statutes, with related exhibits of statements, affidavits or records obtained during the investigation; reports of action taken by management deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutes referred for prosecution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Title 18, U.S.C. (e.g., 18 U.S.C. 201, 203, 205, 207, 208, 209, 1905); 21 U.S.C. 331; 28 U.S.C. 535(b); 44 U.S.C. 3101; E.O. 10450 and 11222; 45 CFR Part 73.

PURPOSE(S):

To provide management with information needed to take actions against complaints or alleged violations. These complaints may be referred to the Office of Investigations and Security, Office of the Secretary, HHS.

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

Records that indicate violation or potential violation of law may be: (1) Referred for investigation and possible enforcement action under the applicable Federal, state, or foreign laws to the Department of Justice; an appropriate state food and drug enforcement health agency or licensing authority; or the government of a foreign country; or (2) disclosed in administrative or court proceedings in determining whether a record is relevant to an agency decision concerning documents of investigatory materials.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective

defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Paper records, in folders, in file cabinets.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Records are maintained in locked rooms within a locked secured area protected by a 24-hour building guard service. Limited access to Policy Management Staff and authorized Support Staff of the Management and Operations Section. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual.

RETENTION AND DISPOSAL:

Records are retained until 5 years after termination of employment of subject individual or when no longer needed for reference. Disposal of records is accomplished by shredding, burning, or other appropriate means so as to render them illegible.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Policy Management Staff (HFA-20), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORDS ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)). Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the system manager. If access is denied to requested records, an appeal may be made to: Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from FDA personnel and records, subjects of investigations, complaints, witnesses, other Federal agencies, State and local agencies, and personal observation by the investigator.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempted from access and contest and certain other provisions of the Privacy Act, (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H), and (f)), to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes.

09-10-0015

SYSTEM NAME:

Blood Donors for Tissue Typing Sera and Cell Analysis and Related Research. HHS/FDA/NCDB/OB.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Histocompatibility Laboratory, Division of Blood and Blood Products (HFB-200), Office of Biologics, 8800 Rockville Pike, Bethesda, Maryland 20205

For the location of Federal Archives and Records Centers, see Appendix B to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volunteer blood donors and patients of the National Naval Medical Center and the National Institutes of Health Clinical Center who volunteer to be part of the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, address, phone number, sex, religion, race, age, disease (if any), number of pregnancies, number of children, and the results of blood typing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, section 351, 42 U.S.C. 262.

PURPOSE(S):

To provide data to be used in evaluating histocompatibility testing sera submitted by manufacturers for approval and release on the market.

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

On occasion, employees and patients of the National Institutes of Health Clinical Center and the National Naval Medical Center allow the laboratory to perform tissue typing. In these instances, it is necessary to provide the physician involved with precise data to properly identify the patient.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

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

Standard filing equipment, and on magnetic tapes, and disks.

RETRIEVABILITY:

Usually by an assigned "cell number." Also, alphabetically, by name.

SAFEGUARDS:

Forms in locked filing equipment. Tapes and disks in secure computer facility with access limited to individuals having knowledge of "password" which is changed periodically. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with FDA's Records Control Schedule. The Records Control and disposal standard for these records may be obtained by writing to

the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Blood and Blood Products (HFB-200),
Histocompatibility Laboratory, Bureau of Biologics, 8800 Rockville Pike,
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: FDA Privacy Act Coordinatory (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Volunteer blood donors and patients of the National Naval Medical Center and the National Institutes of Health Clinical Center.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0017

SYSTEM NAME:

Epidemiological Research Studies of the Bureau of Radiological Health. HHS/FDA/BRH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Ionizing Radiation and Statistics Branch (HFX-150), Division of Biological

Effects, Bureau of Radiological Health, Twinbrook Research Laboratory, 12709 Twinbrook Parkway, Rockville, MD 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been exposed to radiation (ionizing, nonionizing, sonic) from either medical, occupational or environmental sources; patients with cancer, birth defects, or other diseases or conditions which result from radiation exposure; unexposed persons (e.g., family members) for the purpose of making comparisons.

CATEGORIES OF RECORDS IN THE SYSTEM:

ID number, Social Security number which is supplied on a voluntary basis, name, demographic characteristics, radiation exposure, occupational and personal health histories, medical data, and information on or from death certificates, if deceased.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 301, 310, 354, 356 and 357, 42 U.S.C. 241, 242A, 263b, 263c and 263d. Federal Food, Drug, and Cosmetic Act, Section 702(a), 21 U.S.C. 372(a). Reorganization Plan No. 3 of 1970, Section 2.

PURPOSE(S):

To maintain records used by epidemiologists, statisticians, and authorized staff for epidemiological research and analyses on the effect of radiation exposure.

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

A record may be disclosed for a research purpose, when the Department: (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguard to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accompanied consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health

nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide these provisions.

Records in the system may be made available to Federal, state, and local agencies having an interest in protecting the public from the effects of radiation.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event if litigation where the Defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders, on punch cards and on magnetic tape and discs, computer printouts and on microfiche.

RETRIEVABILITY:

Records are retrieved by name and number.

SAFEGUARDS:

Name listings and log books containing information to permit the identification of an individual, and microfilmed records are kept in locked files with access limited to Division of Biological Effects authorized personnel

and designated employees of the Bureau of Radiological Health. Data collection instruments (questionnaires, report forms) are stored either in file cabinets after all identifiers are removed, in locked file cabinets, or a locked room. Locked buildings and password protection for computer files. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP System Manual.

RETENTION AND DISPOSAL:

One year to permanently, depending on the length of follow-up required to complete all phases of the study. The records are destroyed by shredding, burning, or other appropriate means so as to render them illegible. Computer tapes and discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Ionizing Radiation and Statistics Branch (HFX-150), Division of Biological Effects, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, MD 20857

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individuals in the system of records, employers, health care providers and facilities, administrative and vital statistics agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-10-0018

SYSTEM NAME:

Employee Identification Card Information Record. HHS/FDA/ACMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Services Management Section (HFA-212), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857
Office Services Section (HFA-230), Associate Commissioner for Management and Operations, 200 C Street, SW, Washington, DC 20204
Administrative Branch at Field/District Offices. For the location of Field/District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/ACMO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Approximately 8,000 FDA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, mailing routing code, office telephone, building, room number, birthdate, identification photograph, height, color of eyes, and type of appointment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471, et seq.; Management and Disposal of Government Property Act

PURPOSE(S):

The system was designed to maintain a record of all holders of FDA identification cards, Forms FD 1887 and 1887h, for renewal and recovery purposes and to identify numbers of lost or stolen cards. The system may also be used at FDA Headquarters to locate employees whose names have not been entered in the FDA locator system.

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

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

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

Forms filed in folders in a locked filing cabinet. Computer tapes and discs stored in a locked safe.

RETRIEVABILITY:

Information is filed and retrieved by name and date of birth both on the forms and at Headquarters on a minicomputer.

SAFEGUARDS:

All Forms FD 2923 are kept in locked file cabinets. The minicomputers at Headquarters are maintained in secured areas with access limited to authorized personnel whose official duties required access for issuance, renewal, retrieval, and location purposes. Safeguards are established in accordance with chapters 45-13 and PHS hf: 45-13 of the Department's General Administration Manual and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records are maintained as long as the ID cards are valid. Computer tapes are

erased immediately upon termination of employment and inactive forms are destroyed after 6 months by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Services Branch (HFA-210), Associate Commissioner for Management and Operations, 5600 Fishers Lane, Rockville, MD 20857

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure. Requesters should also reasonably specify the record contents being sought, and provide any other names officially used during period of employment. (These access procedures are in accordance with FDA Regulations (21 CFR 21.40)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification. (These procedures are in accordance with FDA Regulations (21 CFR 21.50)).

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-22164 Filed 10-12-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Department of Health and Human Services (DHHS); Public Health Service (PHS); Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA).

ACTION: ADAMHA is publishing this document to meet the requirements of Section 3(e)(4) of the Privacy Act (5 U.S.C. 552a), providing for annual publication of the existence and character of systems of records which are subject to the Act.

SUMMARY: This preamble summarizes significant changes to systems of individually identifiable records which have occurred since the due date for submissions to the 1981 annual republication (August 10, 1981). Five new systems of records which ADAMHA added during the period July 31, 1981-July 31, 1982 were published for public comment as required by OMB Circular A-108. Notices of all systems of records maintained by ADAMHA, including the new ones, follow this preamble. The notices include modifications for purposes of clarity and correctness, and are complete and current as of July 31, 1982.

SUPPLEMENTARY INFORMATION:

A. General: Each system notice sets forth routine uses for the records in that system that are compatible with the system's purpose. Under a routine use, records may be disclosed outside DHHS without the consent of the individuals who are the subjects of those records. Additional disclosures without consent of the subject individuals are permitted by the Privacy Act itself in Section 3(b), as follows:

1. To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

2. As required under the Freedom of Information Act;

3. To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 of the United States Code;

4. To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

5. Referrals may be made of assignments of research investigators and project monitors on specific research projects to the National Technical Information Service (NTIS), Department of Commerce, to contribute to the Smithsonian Science Information Exchange;

6. To another agency or to an instrumentality of any government jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

7. To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

8. To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

9. To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

10. Pursuant to the order of a court of competent jurisdiction.

B. New Routine Use: We have added a routine use to three systems of records authorizing disclosure to Congress. This action was taken to comply with DHHS policy which requires that unless granted an exemption all DHHS Privacy Act System Notices must include this routine use. The systems effected are:

09-30-0011
09-30-0012
09-30-0015

Public comment is invited.

C. Deleted System of Records: The following system of records which appeared in the last annual publication has been deleted:

09-30-0025, Maryland Psychiatric Case Register, HHS/ADAMHA/NIMH.

(The identifiers in this file have been removed).

D. Deleted Routine Uses:

(1) A departmental routine use pertaining to disclosures to Congress has been deleted in the following system notices:

09-30-0020
09-30-0021
09-30-0022
09-30-0037
09-30-0039

This action was taken because such disclosures in the absence of informed consent by the subject individual, is not allowed under the protective restrictions of the Confidentiality of Alcohol and Drug Abuse Patient Regulations, 42 CFR Part 2.

(2) We have deleted routine uses #1 and #2 for system notice 09-30-0013 after staff review determined that they were not appropriate to the system of records.

(3) ADAMHA deleted a routine use from system notice 09-30-0034 in response to a condition placed on it by the Office of Management and Budget (OMB) at the time of publication. The condition is met by deletion of the first listed routine use which had allowed certain disclosures to Federal agencies outside the Department of Health and Human Services. It was later deemed that such disclosures were unnecessary.

(4) A routine use pertaining to Freedom of Information disclosures was deleted from the following system notices:

09-30-0016
09-30-0027
09-30-0036

This action was taken after a determination was made that such disclosures were deemed unwarranted.

E. Editorial changes were made in a number of system notices to clarify or improve them. Changes include but are not limited to:

(1) Updating items such as title of system manager and location of records;

(2) Deletion of redundant or extraneous material;

(3) Clarification for system notice 09-30-0026 of the "Categories of Individuals" and "Purpose" sections.

(4) Revising a routine use pertaining to the Smithsonian Science Information Exchange as well as correcting an erroneous authority citation for system notice 09-30-0027.

F. Readers who notice any errors or omissions in ADAMHA system notices are invited to bring them to my attention at the following address:

Alcohol, Drug Abuse and Mental Health Administration
5600 Fishers Lane, Room 12-105
Rockville, Maryland 20857

Dated: August 12, 1982.

Charles Coffindaffer,
Acting Executive Officer.

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[FR Doc. 82-23043 Filed 10-12-82; 8:45 am]

BILLING CODE 4160-20-M

09-30-0002

SYSTEM NAME:

Statistical Research Data on Adolescent Runaways in Prince Georges County, Md., 1962-65. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Mental Health Study Center, 2340 University Boulevard, East, Adelphi, Maryland 20783.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adolescent runaways in Prince Georges County, Md., 1962-65.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information obtained from interviews with subject individuals and parents or guardians. Types of information included in the records are: age, sex, home address and phone number, home conditions, nature of problems, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301(42 U.S.C. 241).

PURPOSE(S):

Used by project officer for follow-up study of adolescent runaways.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Field notes, transcribed interviews, audio tapes of interviews.

RETRIEVABILITY:

Retrieved by number.

SAFEGUARDS:

Records kept in locked filing cabinets in a locked room. Indexes which link names and numbers are kept in separate locked cabinets. Only authorized research and support staff have access to the records.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Mental Health Study Center,
2340 University Boulevard, East,
Adelphi, Maryland 20783.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. Provide notarized signature as proof of identity. The request should include the name of the researcher, if possible. A parent or guardian who requests notification of a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

From the subject individuals themselves, and from their parents or guardians, with subject individuals' approval, cooperation and participation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0003

SYSTEM NAME:

Medical Record Files of Patients Seen in Therapy in Programs of the Mental Health Study Center. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Mental Health Study Center, 2340 University Boulevard, East, Adelphi, Maryland 20783 and at contractor facilities. A list of contractor locations is available from the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients seen in therapy in programs of the Mental Health Study Center, at the center or at various locations throughout Prince Georges County.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consultation Record Form, intake questionnaire, progress notes, Patient Service Record Form, psychophysiological and developmental tests, medical and social histories, physical examinations, clinical and behavioral observations and interview questionnaires, correspondence with community agencies, professionals on cases, and consent forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301 (42 U.S.C. 241).

PURPOSE(S):

Used for clinical intervention by therapists and, with individual consent, for behavioral and basic research.

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

Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

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

Medical record forms, case notes, logs, files and indexes.

RETRIEVABILITY:

Retrieved by case number and name.

SAFEGUARDS:

Only authorized research and support staff have access to records which are kept in locked file drawers. Index records kept in separate locked cabinets. Contractors are required to comply with the provisions of the Privacy Act and with the Departmental Regulations.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the system manager at the address below. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS. hf:45-13 in the General Administration Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Mental Health Study Center,
2340 University Boulevard, East,
Adelphi, Maryland 20783.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself/herself upon written request, with notarized signature, addressed to the System Manager identified above. The request should include the name of the researcher, as well as the name of the study, if it is a named study. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designate will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

From the patients themselves or from their parents or guardians with subject individuals' approval, cooperation, and participation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0004

SYSTEM NAME:

Intramural Research Program Records of Research Performed on In- and Out-Patients with Various Types of Mental Illness. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, Saint Elizabeths Hospital, Washington, D. C. 20032.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In- and out-patients with emotional, psychiatric, and neuropsychological disability, normal subjects, and research subjects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Research data of wide variety including biochemical measures, psychophysiological and psychological tests, questionnaires, clinical and behavioral observations and interviews, physical examinations, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Sections 301, 302, and 303 (42 U.S.C. 241, 242, 242a).

PURPOSE(S):

These records are used for diagnosis and treatment of patients with neuropsychiatric illnesses; behavioral research relating to the causes, diagnoses, and treatment of neuropsychiatric disorders; and basic research on behavioral processes and personality development.

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

1. A record may be disclosed for a research purpose, when the Department:
 - (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;
 - (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;
 - (c) has required the recipient to — (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except — (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written

authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

- (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

3. In the event of litigation where the defendant is (a) the Department, and component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

In original state; files, indexes, magnetic and other tapes.

RETRIEVABILITY:

Retrieved by name (coded).

SAFEGUARDS:

Only authorized medical and research staff have access to these records. Magnetic tapes, files, indexes, and other tapes that contain individually identifiable data are stored in a locked cabinet in a limited access area. Magnetic data are further protected by special account numbers and passwords.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may

be obtained by writing the System Manager at the address below. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual, and Part 6, "ADP System Security" in the HHS ADP Systems Security Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Intramural Research Program, National Institute of Mental Health, Building 36, Room 1A-07, 9000 Rockville Pike, Bethesda, Maryland 20205.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. Provide notarized signature as proof of identity. The request should include as much of the following information as possible: (a) full name; (b) nature of illness (if any); (c) ward or laboratory; (d) title of study; (e) name of researcher conducting study. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. A parent or guardian who requests notification of child's/incompetent person's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designate will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information gathered from individuals under study, either patient or normal subject, contract surveys, hospital records, medical and nursing staff notes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0005

SYSTEM NAME:

Saint Elizabeths Hospital Research Subjects Data Record. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Saint Elizabeths Hospital, Washington, D.C. 20032, and Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons participating in approved research studies at Saint Elizabeths Hospital in the following categories: (1) in-patient, out-patients, and relations of patients; (2) hospital staff including stipended trainees; and (3) non-hospital related subjects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record categories include: data from interviews, medical and non-medical test and laboratory data, self-report information, informant observation data, and data from previous records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301 (42 U.S.C. 241).

PURPOSE(S):

Purposes include: data analysis; case study illustration; hypothesis generating study; subject reimbursement; diagnosing and treating mental disorders, and improving diagnostic and treatment methods; generating new knowledge about the nature and causes of mental and emotional illnesses, and about rehabilitating the mentally ill; generating new knowledge about human behavior; program evaluation and assessment; and historical research.

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

1. Records are routinely disclosed to qualified physicians for the purpose of obtaining medical background data.
2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.
3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines

that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individuals).

4. A record may be disclosed for a research purpose, when the Department:

- (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;
- (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;
- (c) has required the recipient to — (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except — (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

- (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

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

Written documents and photographs are in file folders and filing cabinets; audio and video tape reels are in storage cabinets.

RETRIEVABILITY:

System is filed by name, code, and/or hospital case number of subject, dates when research was conducted, research program area, and primary investigator.

SAFEGUARDS:

Records are maintained in monitored offices and are only available to authorized research and medical staff. Procedures have been developed to determine authorized personnel. Offices are monitored by security guards at night. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the Federal Records disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Hoffman Division of Research
Saint Elizabeths Hospital
Washington, D.C. 20032

NOTIFICATION PROCEDURE:

To determine if a record exists, contact
Privacy Act Coordinator
Office of the Director, Hoffman Division of Research
Saint Elizabeths Hospital
Washington, D.C. 20032

Provide a notarized signature if request is by mail, or suitable identification if request is made in person.

- All of the following data must be provided when requesting notification:
- (a) Full name, and date and place of birth;
 - (b) Inclusive dates of participation in the research study;
 - (c) Type of research study;
 - (d) Location of the unit where research was conducted;
 - (e) Name of primary investigator;
 - (f) The status of the requester with respect to the hospital, e.g., in-patient, out-patient, former patient, staff or

- trainee, or non-hospital related subject;
- (g) If possible, in the case of patients, the hospital number.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained from research subjects, observers, previous records, and test results.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0006

SYSTEM NAME:

Saint Elizabeths Hospital Medical Support Program File System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Saint Elizabeths Hospital, Medicine and Laboratory Branches, Washington, D.C. 20032, Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present and past patients and employees of Saint Elizabeths Hospital who received medical treatment and laboratory services.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Division of Medical Support Programs is made up of two branches: (1) Medicine Branch; and (2) Laboratory Branch. Listed below are records and logs peculiar to the Division of Medical Support Programs only (not used outside the Division). The Medical Support Program File System does not include any material which is located in a patient's medical record.

Medicine Branch Records

1. Dental Department: X-ray films
2. Department of Medicine: Cancer Registry
3. Neurology Department: electroencephalographs and echoencephalographs

4. Department of Ophthalmology: photographs of eyes, interesting cases (card file)
 5. Department of Radiology: X-ray films
 6. Department of Rehabilitation Medicine: physical therapy treatment files and blind rehabilitation records
 - Medicine Branch Logs
 1. Evening-Night Physicians' Logs: Abstract of the cases handled during the tour of duty 5:00 p.m. to 8:30 a.m.
 2. Death Information Book: Abstract of information regarding death of patient, notification of relatives, medical examiner and/or other third party.
 3. Clinic Appointment Logs: Patients, employees, and visitors with identifying number and reason for appointment to 15 specialty clinics.
 4. Admission and Transfer Logs in Eldridge Building and in Rehabilitation Medicine Building: identifies patient by name, case number, psychiatric service, date of admission, ward admitted to, date of discharge, and psychiatric service returned to.
 5. X-ray Admission and Examination Log: daily record of patients examined and diagnostic findings.
 6. Register of Operations: daily record of patients operated, type of surgery, participating staff, type of anesthesia, and postoperative condition.
- Laboratory Branch Record Book: photograph of patients, dates of photographs, and division location of patients.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, et seq; 21 D.C. Code 562.

PURPOSE(S):

Dental management and training; diagnosis and examination of brain lesions; graphic comparison of time and brain changes; determination of extent of eye changes; epidemiological study reference; research; continuity of physical therapy, treatment record, and patient management; departmental administration and planning.

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

1. Information may be provided to outside physicians, dentists, laboratories, physical therapists, vocational rehabilitation therapists, etc. who are taking an active role in the further treatment of patients seen at the Medicine and/or Laboratory Branches of Saint Elizabeths Hospital, in order to insure continuity of care.
2. Information from the cancer registry is provided to the District of Columbia Cancer Registry as required by law.

3. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review, to include Professional Standards Review Organizations.

4. Disclosures may be made in the course of employee discipline or competence determination proceedings to parties involved in the proceedings such as police, attorneys, and Office of Personnel Management employees.

5. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

6. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

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

Records are maintained in secured rooms in the following areas:

1. Dental X-ray films — file cabinets in the Main Dental Clinic Area.
2. Electroencephalographs and echoencephalograms — file cabinet in the Neurology Department Record Room.
3. Photographs of eyes of patients—file cabinet in the Eye Clinic.
4. Unusual Eye Case File — in a 5 x 3-inch card file in the Eye Clinic.
5. X-ray Films — open shelf files and filing cabinets in the X-ray Department.

6. Cancer Registry — file cabinets in the Department of Medicine.
7. Physical Therapy Treatment Files — file cabinets in the Rehabilitation Medicine Department.
8. Blind Rehabilitation Records — file cabinets in the Rehabilitation Medicine Department.

RETRIEVABILITY:

1. Dental X-ray films — hospital case number and name.
2. Electroencephalograph and echoencephalograph — name, case number and date of examination.
3. Unusual eye case file — by disease or condition name.
4. X-ray films — patient's name and case number or employee's name, social security number (terminal digit system).
5. Cancer Registry — name and case number.
6. Physical Therapy Treatment Files — name and date of evaluation.
7. Blind Rehabilitation Records — name and case number.

SAFEGUARDS:

1. Dental X-ray films — supervision by personnel during day, locked at night.
2. Electroencephalograms and echoencephalographs — locked record room.
3. Photographs of eyes of patients — supervised by personnel during the day, locked at night.
4. Unusual eye case file — supervised by personnel by day, locked at night.
5. Cancer Registry — supervised by personnel by day, locked at night.
6. Physical Therapy Treatment Files — locked office.
7. Blind Rehabilitation Records — authorized personnel and locked office.

RETENTION AND DISPOSAL:

Employee I.D. procedures have been implemented to assure that safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf:45-13 in the General Administration Manual.

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

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Medical Support Programs,
W. W. Eldridge Building, Saint

Elizabets Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

To determine if a record exists, contact
Privacy Act Coordinator
Office of the Director of the Medicine
Branch

W. W. Eldridge Building
Saint Elizabeths Hospital
Washington, D.C. 20032

Provide a notarized signature if request is made by mail, or suitable identification if request is made in person.

All of the following information must be provided when requesting notification:

- (a) Full name;
- (b) Approximate dates of enrollment or employment at St. Elizabeths Hospital;
- (c) The nature of the material desired. A parent or guardian who requests notification of a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

1. Dental X-ray films — Patients: inpatients and outpatients within hospital records and/or outside facility.
2. Electroencephalographic and echoencephalographic — graphs are derived electronically from the patient's brain.
3. Photographs of eyes of patients — photographs taken during internal or external examination of patients' eyes.
4. Unusual eye case file — result of examination in Eye Clinic.
5. X-ray films — films obtained during patients or employees' term in hospital and/or from outside sources; i.e., private physician or hospital.
6. Cancer Registry — clinical records private physicians, outside hospital.
7. Physical Therapy Treatment Files — physical therapist's notes, doctor's notes, prescription records.

8. Blind Rehabilitation Records — staff observation of progress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0007

SYSTEM NAME:

Saint Elizabeths Hospital Clinical Support Services Record System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This is a widely decentralized system of records at Saint Elizabeths Hospital. Records are kept in the offices of the various clinical support services operating at the Hospital. Included in this system are:

1. Occupational Therapy Section—Atkins Hall
2. Educational Rehabilitation Unit—Atkins Hall
3. Speech and Audiology Branch—Rehabilitation Medicine Building
4. Industrial Therapy Section—Atkins Hall
5. Dance Therapy Section—William A. White Building
6. Recreational Therapy—Hagan Hall
7. Musicology Unit—Dix Pavilion
8. Chaplaincy Program—Chapel
9. Psychodrama Unit — Hitchcock Hall
10. Individual Psychotherapists' Offices—In various Divisions, Saint Elizabeths Hospital, Washington D.C. 20032.

Records are stored at Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All past and present patients of Saint Elizabeths Hospital.

CATEGORIES OF RECORDS IN THE SYSTEM:

Patient demographic data; records of patient participation in each of the above-named clinical support programs; therapists' informal notes of observations and evaluations of patient activities; clinical impressions; attendance records, test results, abstracts of notes and observations taken from the patient's medical record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, et seq; 21 D.C. Code 562.

PURPOSE(S):

1. To facilitate the treatment of patients at Saint Elizabeths Hospital.

2. To assess the physical, educational, vocational, recreational and psychological needs of patients at Saint Elizabeths Hospital and to provide for those needs.
3. To evaluate the effectiveness of the clinical support programs and to provide a basis for their continuing improvement.
4. To facilitate clinical support services, teaching programs and scientific research.

Indexes based on the clinical support services record system are used for the following purposes:

- a. speedy identification and location of specific patients;
- b. monitoring the completeness of patient records;
- c. monitoring the changing status of patients either in terms of transfers within the Hospital or outside the Hospital;
- d. easy identification of basic demographic data used for statistical and/or research purposes;
- e. quick review of current treatment regimen.

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

1. Information is routinely disclosed to persons not employees of SEH, who have a responsibility for the examination and/or treatment of SEH patients;
2. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.
3. Disclosures may be made in the course of employee discipline or competence determination proceedings to parties involved in the proceedings such as police, attorneys, and Office of Personnel Management employees.
4. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.
5. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the

Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

STORAGE:

File folders, index cards, punchcards, record logs and file cabinets.

RETRIEVABILITY:

Name, hospital number, dates of activities, location of activity.

SAFEGUARDS:

1. Available only to properly trained and hospital personnel.
2. Access limited to authorized personnel only, through implementation of an employee photo I.D. program. Enforced by security guards; rooms are locked when unoccupied. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Clinical Support Programs, Center Building, Saint Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

A patient or former patient may learn if a record exists upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: Privacy Act Coordinator, Office of the Director of Clinical Support Programs, Center Building, Saint Elizabeths Hospital, Washington, D.C. 20032.

All of the following information must be provided when requesting notification:

- (a) Full name;
- (b) Approximate dates of enrollment at St. Elizabeths Hospital;
- (c) The name of the division where the requester resided, or received treatment as an outpatient;
- (d) The identity of the clinical support service and the approximate dates of participation in the program;
- (e) If possible, the name of the individual therapist;
- (f) If possible, the patient's hospital number.

A parent or guardian who requests notification of or access to a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Past and present patients of Saint Elizabeths Hospital, various employees of the Hospital and the patients' medical/clinical record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0008

SYSTEM NAME:

Saint Elizabeths Hospital Social Services Record System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

A widely decentralized system at Saint Elizabeths Hospital. Individual records are kept in the offices of social workers responsible for patients on the rolls of the various Hospital Divisions. Social workers' offices are located in each inpatient and outpatient division or clinic at Saint Elizabeths Hospital.

Washington, D.C. 20032. Records of individuals in transition programs may be located at contractor sites. For a current listing of contractor sites, contact the System Manager. Records are stored at Washington National Records Center, 4203 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All past and present patients on the rolls of Saint Elizabeths Hospital; home sponsors; caretakers; owners and operators of facilities providing services to patients.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files on inpatients and outpatients containing demographic data; social workers' contact with families and the community including social, marital and family status, job status; identifying information containing name, address, telephone numbers, social security numbers, Medicaid numbers, date of birth, legal status, financial information hospital number, V.A. numbers, Health Insurance numbers, Civil Service Numbers, family composition; statement on background, names of relatives, conservators with addresses and telephone numbers; correspondence sent other agencies; information regarding psychiatric and medical condition; Social histories; progress notes (carbon copies of notes placed in chart) hand written progress notes not in chart, return to hospital notes, interval histories, placement and planning notes; information regarding psychiatric and medical condition, financial resources, treatment plans, correspondence to relatives, friends other agencies, etc. Telephone interviews or conversations, incident reports and copies of reportable occurrences, group therapies and individual therapies by social workers, daycare status and group activities, religious histories; intra-agency evaluative and assessment data and reports received from other sources, outside agencies that provide supportive services; essential information regarding services sought or received.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, et seq; 21 D.C. Code 562.

PURPOSE(S):

Information is used:

1. In planning to assess the patient's overall ability to be placed and to adjust or function in the type of environment to which he or she has been referred.
2. For accountability to other hospital personnel and reference for recording

or sharing information with staff and other necessary persons upon request.

3. To share information with team, reference for casework services and reference for completing forms.
4. To monitor patient's progress and periodically assess placement situations in outplacement facilities. To monitor outplacement facilities outside the hospital and assist in placement of patients by providing accurate, up-to-date information regarding available facilities; and to determine the status of compliance of a facility with certain standards through appropriate licensing agencies. To familiarize staff with outplacement facilities. To assess outplacement operators, administrators or owners ability to provide the level of care needed by individual patients. To share patient's background and appropriate information with outplacement owners, operators and sponsors.
5. To expedite family involvement in planning patient care and to expedite mobilization of community resources on behalf of the patient.
6. As a resource in diagnosis, treatment, planning prognosis goals and communication with other disciplines.
7. As resource material gathered by the social workers used to prepare narrative summaries for the patient's medical records.
8. To keep informed about social services provided patients; patient problem areas in the unit for purpose of evaluating services provided and need for action, and for reporting to the Clinical Directors or person in charge of service.
9. As resource material for diagnostic planning and implementation of treatment plan and documentation of services offered.
10. For reference in order to complete summaries for medical records; to have readily available pertinent information with which to respond to personal and telephone contacts; to provide needed information to hospital staff, officials of other agencies responsible for the provision of adjunct services.
11. To provide inservice training for continued professional development.
12. To provide Hospital staff and patients with essential information for selecting appropriate living arrangements for patients in the community.
13. To provide information to placement workers from other community service organizations in order to facilitate patient placements and to develop necessary community support services.

14. To serve as a uniform system for location of staff, indication of qualifications and areas of responsibility, in order to assist in provision of resources (financial and other) to patients.

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

1. Information is routinely disclosed to the following sources for the purposes of obtaining financial assistance for patients, locating community recreation resources, providing job placement and training for patients, securing alternative placements in other institutions, providing education, securing living and care arrangements and aiding in follow-up care, and providing required reports to court, state government or Federal government agencies:

- a. Foster home sponsors, caretakers, owners and operators of facilities providing services to patients
- b. Agencies of the District of Columbia Government
- c. The Superior Court for the District of Columbia
- d. The United States District Court for the District of Columbia
- e. The Veteran's Administration
- f. The Office of Personnel Management
- g. Anchor Mental Health Association
- h. State Departments of Social Services throughout the United States;

2. Information disclosed routinely to persons, who are not employees of SEH, on a need to know basis, who have a responsibility for the care and treatment of patients of SEH.

3. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal (e.g., Department of Justice), State or local (e.g., State and local licensing boards) charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

5. A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. Where Federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

7. Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

8. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

9. A record may be disclosed for a research purpose, when the Department:

- (a) has determined that the use or disclosure does not violate legal or policy limitations under the record was provided, collected, or obtained;
- (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;
- (c) has required the recipient to — (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except — (A) in emergency circumstances affecting the health or

safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

10. Disclosures may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

11. Disclosures may be made in the course of employee discipline or competence determination proceedings to parties involved in the proceedings such as police, attorneys, and Office of Personnel Management employees.

12. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

13. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

STORAGE:

Index cards, folders, notebooks, file cabinets, desk drawers, Rolodex, Kardex, index boxes, logs, sk drawers locked. Material available only to appropriately trained social services professional and support staff, implemented through an employee photo I.D. program in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Social Services, A Building, Room 221, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

Active or discharged patients in this system of records may learn if a record exists upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: Privacy Act Coordinator, Office of the Director of Social Services, A Building, Room 221, Saint Elizabeths Hospital, Washington, D.C. 20032.

All of the following information must be provided when requesting notification:

- (a) full name;
- (b) the approximate dates of contact with the hospital;
- (c) the nature of the material desired;
- (d) hospital number, if possible.

A parent or guardian who requests notification of a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be

contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Past and present patients of Saint Elizabeths Hospital, home sponsors, caretakers, owners, and operators of facilities providing services to Saint Elizabeths patients, other employees of Saint Elizabeths Hospital, employees of various agencies of the District of Columbia and the United States.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0009

SYSTEM NAME:

Saint Elizabeths Hospital
Multidisciplinary Raw Data
Consultation Files. HHS/ADAMHA/
NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Widely decentralized at Saint Elizabeths Hospital. Raw data is stored according to location of the consulting discipline within Saint Elizabeths Hospital, Washington, D.C. 20032. Records are stored at the Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present patients at Saint Elizabeths Hospital.

CATEGORIES OF RECORDS IN THE SYSTEM:

Raw test data, plus copies of formal reports based on the raw test data. (The original reports are included in patient's medical/clinical record).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, et seq; 21 D.C. Code 562.

PURPOSE(S):

1. Detailed reference by consultants, following clinical requests for reassessment or more detailed information of patients previously tested.
2. Detailed comparison of test-retest results in cases where clinically indicated or requested.
3. Occasional compilations of specific clinical characteristics of statistical groupings, such as by disease entity, age, sex, etc. for clinical research and improvement of clinical reporting.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to an verified inquiry from the congressional office made at the written request of that individual.
2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

STORAGE:

File folders and index cards, file cabinets.

RETRIEVABILITY:

Each consulting discipline stores and manages its own files. Some are stored by patients' names alphabetized, some by patients' numbers, some by other types of categorizing, such as disease categories, year consultation was performed, referring clinical service, or an arbitrary numerical sequence. The latter usually involve a cross-indexing card file by patient name and/or patient number.

SAFEGUARDS:

Files accessible only to qualified members of the consulting staff of the particular discipline, and are kept in staffed or otherwise locked offices. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, A Building, Room 109,
Saint Elizabeths Hospital, Washington,
D.C. 20032.

NOTIFICATION PROCEDURE:

A patient or former patient may learn if a record exists upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator
Office of Superintendent
A Building, Room 109
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided when requesting notification:

- (a) full name;
- (b) approximate dates of enrollment at St. Elizabeth's Hospital;
- (c) the nature of the material desired;
- (d) if possible, the name of the person who collected the data.

RECORD ACCESS PROCEDURES:

Same as notification procedures. A parent or guardian who requests notification of, or access to, a child's/incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Clinical testing of patients referred for consultation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0010

SYSTEM NAME:

Saint Elizabeths Hospital Juvenile Education Monitoring System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Administration Building, Saint Elizabeths Hospital, Washington, D.C. 20032, Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All patients under 18 years of age on rolls of Saint Elizabeths Hospital.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inpatient and outpatient educational records. The educational records contain identifying data, name, date, and place of birth, age, sex, race, legal category, leave and residential status, admission, discharge date, identification of relative, hospital identification, educational information, current functional level, educational achievement, medical, neurological, and/or psychological problems with significant influence, patient adjustment to educational program, past/present academic educational plan or program. Reports or notes of others who contribute to a patient's educational development.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161 and Mills v. Bd. of Education of the Dist. of Columbia, 348 F. Supp. 866 (D.C.D.C. 1972).

PURPOSE(S):

1. To monitor academic education programs of patients under 18 years of age on rolls of Saint Elizabeths Hospital.
2. To document a patient's educational achievement, to provide for continuous monitoring.
3. To provide a continuous psycho-educational program for the individual patient, including a follow-up program for reference upon future hospitalization.
4. For use by agency personnel for periodic assessment of the quality of educational achievement.
5. To assist the staff in providing for a patient's educational needs.
6. To occasionally provide the basis for action in the course of employee discipline or competence determination proceedings.
7. To facilitate teaching programs and scientific research; to further

- knowledge in the areas of diagnosis and treatment, comparative studies and special educational programs.
8. Indexes based on the educational records are routinely used for:
 - a. speedy identification and location of specific patients;
 - b. monitoring the completeness of patient-educational records, particularly those under 18;
 - c. monitoring the changing status of patients, either in terms of transfers within the Hospital or outside the Hospital;
 - d. easy identification of basic demographic data used for statistical and/or research purposes;
 - e. quick review of current treatment regimen in individual cases.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.
2. Disclosures may be made in routine reports prepared for D.C. School Board personnel.
3. Disclosures may be made on patient's behalf, in matters such as educational achievement needs, to third parties whose involvement would be of benefit to the patient, such as to D.C. School Board personnel for students with specialized educational placement needs.
4. Disclosures may be made to courts of local jurisdictions in mandatory reports under Federal and local law.
5. Information may be transmitted to the Department of Special Education of the District of Columbia Public School System, to assist in coordinating educational efforts as mandated by Mills v. Board of Education of D.C., 348 F. Supp. 866 (D.C.D.C. 1972).
6. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which

the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

Records are in the Administration Building. File folders with general educational record and correspondence files are kept in metal file cabinets. Index cards, monitoring cards, kardex are in their appropriate containers.

RETRIEVABILITY:

Index by patient's name, Hospital number, division.

SAFEGUARDS:

1. Available only to properly trained and screened personnel.
2. Access limited to authorized educational and hospital staff only. Enforced by security personnel. Rooms are locked when unoccupied. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Psychology
Administration Building, Room 308
Saint Elizabeths Hospital
Washington, D.C. 20032

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself/herself upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator
Office of the Associate Director for Psychology
A Building
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided when requesting notification:

- (a) Full name and home address
- (b) Approximate dates of enrollment at Saint Elizabeths Hospital
- (c) Division where treatment is or was provided, and education level
- (d) The nature of the material desired

A parent or guardian who requests notification of a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Educational records: a compilation of sociological, medical and historical data of a patient. The information recorded as given by the patient, his relatives, or other third persons interested in the patient; from existing records used as reference; from educational tests, such as tests administered by physicians, psychiatrists, teachers, social workers; other therapists who entered their observations and assessment by means of progress notes, reports etc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0011

SYSTEM NAME:

Saint Elizabeths Hospital Emergency Psychiatric Service Non-Admission File System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Emergency Psychiatric Service, Dix Building, Saint Elizabeths Hospital, Washington, D.C. 20032.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have presented themselves at the Emergency Psychiatric Service but who were not admitted to the rolls of Saint Elizabeths Hospital.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying data collected during admissions screening interview, information from previous hospitalizations of clinic enrollment, and information about individuals collected from telephone conversations with interested persons.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, et seq.; 21 D.C. Code 501, et seq.

PURPOSE(S):

To provide additional screening material in cases of repeated applications for admission of the same patient.

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

1. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

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

STORAGE:

Paper forms maintained in file cabinets.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Access limited to authorized hospital, medical, social service and support personnel only, enforced by security force. Rooms are locked when unoccupied. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary PHS.hf:45-13 in the General Administration Manual. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Emergency Psychiatric Service, Saint Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

A person denied admission may learn if a record exists about himself/herself upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator
Office of the Director
Emergency Psychiatric Service
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided when requesting notification:

- (a) Full name;
- (b) Approximate date the person sought admission;
- (c) The nature of the material desired.

A parent or guardian who requests notification of a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Interviews with persons applying for admission but ultimately not admitted, hospital records of prior admissions, and information provided by other persons related to or interested in the person seeking admission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0012

SYSTEM NAME:

Saint Elizabeths Hospital Pre-Service Education Records. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Saint Elizabeths Hospital, Washington, D.C. 20032, and Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students and trainees in medical and nonmedical mental health education programs, including persons who receive stipends and those who do not.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record categories include: (1) application data including transcripts, references, special health records where indicated, evaluation of prior training or education; (2) assessment and evaluation data regarding educational experiences at SEH; and (3) correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301(42 U.S.C. 241).

PURPOSE(S):

Records are used for: evaluation for selection and appointment; supervisory guidance and assessment; reference requests; specialized teaching resources, and program evaluation.

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

1. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits, or utilization review.
2. Disclosures may be made in the course of employee discipline or competence determination proceedings to parties involved in the proceedings such as police, attorneys, and Office of Personnel Management employees.
3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to

directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

4. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

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

Written documents in file folders and filing cabinets; audio and video tape reels in storage cabinets.

RETRIEVABILITY:

System is filed by name of individual, dates of training, disciplinary area in which training was received, primary supervisor, and whether the training was stipended or non-stipended.

SAFEGUARDS:

Records are maintained in monitored offices and are only available to authorized hospital training instructors and support personnel. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Overholser Division of Training, Saint Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

Individual student or trainee may learn if a pre-service education record exists upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator
Office of Director
Overholser Division of Training,
Saint Elizabeths Hospital
Washington, D.C. 20032

All the following identifying information must be provided when requesting notification:

- (a) full name;
- (b) inclusive dates of training;
- (c) specific disciplinary area in which training was received and organizational unit where assigned;
- (d) name of primary supervisor;
- (e) status in terms of stipended or non-stipended.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual trainee or student, persons supplying reference data, supervisory and administrative personnel, and other persons directly involved with the individual's educational program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0013

SYSTEM NAME:

Saint Elizabeths Hospital Training Videotape Records. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Saint Elizabeths Hospital, Washington, D.C. 20032.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SEH patients, trainees and staff of SEH.

CATEGORIES OF RECORDS IN THE SYSTEM:

Videotapes of interviews, activities, or other interactions between SEH patients and professional trainees and staff of SEH; authorizations (informed consent) signed by patients.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301(42 U.S.C. 241).

PURPOSE(S):

Training and education of staff.

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

1 Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

Videotape reels, authorizations retained in file folders.

RETRIEVABILITY:

Name of patient, name of interviewer.

SAFEGUARDS:

Locked files in monitored offices. Access only to authorized supervisory, clinical training and support personnel. These safeguards are in accordance with DHHS Chapter 45-13 and

supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently may be disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Overholser Division of Training, Saint Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself/herself upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator
Office of the Director, Overholser
Division of Training
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided when requesting notification:

- (a) full name;
- (b) approximate date of videotaping;
- (c) name of interviewer;
- (d) the capacity in which the requester had contact with the hospital; e.g., patient, staff member, trainee;
- (e) if possible, in the case of patients, the hospital number;
- (f) location of unit where videotaping occurred.

A parent or guardian who requests notification of a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

SEH patients, trainees and staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0014

SYSTEM NAME:

Saint Elizabeths Hospital Financial System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Finance Office, Room 200, Administration Building, Saint Elizabeths Hospital, Washington, D.C. 20032, and Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409. Billing records may also be located at contractor sites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees and patients.

CATEGORIES OF RECORDS IN THE SYSTEM:

Deposits; receipts; disbursements; balances; NCR ledger cards; vouchers; information on expenses of travel and education; billings; background history; reimbursement claims; Industrial Therapy Program data; Internal Revenue Service Form W-4 and D.C. Government Form D-4, Payroll Summary sheets and individual patient ledger cards for patient workers in Patient Worker Industrial Therapy Program (PWITP), and indebtedness letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Hospitalization of the Mentally Ill Act, 21 D.C. Code 511 et seq.; 24 U.S.C. 165 and 166; 31 U.S.C. 66A and 628a.

PURPOSE(S):

To record expenditures and reimbursements for services and goods and all other financial transactions consistent with the management of the Hospital. Information in these records is also used within the Finance Office to determine the amount of pay a patient earns for his Industrial Therapy assignment, and for completing patients' time sheets, payroll summary sheets, income tax withholding forms, and monthly or quarterly earnings and tax returns.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office at the written request of that individual.

2. Disclosures may be made in order to pay travel claims and educational institutions, expenses; to collect from the D.C. Government and Federal agencies for care and treatment; and to collect for quarters, lost or damaged property & other indebtedness to the Government.

3. Disclosures may be made to references for outside employment, to referral sources for determining if job placement meets a patient's therapeutic needs, and to outside agencies in order to obtain referrals.

4. Disclosures may be made to prospective employers and other similar recipients as evidence of the individual's increased responsibility, and to followup reasons for a patient's absence from his Industrial Therapy assignments.

5. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal (e.g., Department of Justice), State or local (e.g., State and local licensing boards), charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

6. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

7. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the ns of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in

defending claims against the United States when the claim is based upon individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

STORAGE:

File folders in metal filing cabinets, index cards, and IBM cards.

RETRIEVABILITY:

Voucher date and number; numerically (receipts for patient's funds); alphabetically by name; Health Insurance Number and Hospital Case Number (Health Insurance records); bill number (for billings).

SAFEGUARDS:

Access is limited to personnel who process the data. Offices are locked when not occupied. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Finance Officer, Administration Building, Room 200, St. Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself/herself upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator
Finance Office, Room 200,
Administration Building
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided when requesting notification:

- (a) full name;
- (b) dates of the contact with Saint Elizabeths Hospital;
- (c) the Branch, Division, or Office with which the requester had contact;
- (d) the capacity in which the requester had contact with the hospital, e.g.,

patient, employee, vendor, representative of professional organization, etc;
(e) the nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Patient name plates, patient's accounts, receipts for patients' funds (generated when cash or other funds are accepted from a patient), patients' payroll data from the Industrial Therapy Section.

Patients' clinical records, interviews with ward staff, patient and work supervisor. Patient vouchers from patient, employees, Finance Section, Personnel Branch, Agency Cashier, patients' relatives, committees, conservators and other Government agencies. Patients' account data from the Agent Cashier.

Health Insurance data from the Patient's Medical Record, Social Security Administration, relatives and conservators, and Registrar.

Billings for care and treatment, quarters, etc. and indebtedness to the Government, Biometrics Branch, Housekeeping Section, Agent Cashier, and Administrative Services Section.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0015

SYSTEM NAME:

Saint Elizabeths Hospital General Security System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Security Headquarters, Allison - B Building, St. Elizabeths Hospital, Washington, D.C. 20032, and Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying information including one or more of name, hospital number, photo, key number, vehicle sticker number, authorization to admit, dates

and times of visits, addresses and other personal data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, et seq.

PURPOSE(S):

To monitor authorized access and exit of individuals and vehicles to and from buildings and grounds of Hospital; accountability of building and room key assignments and vehicle sticker assignments; identification for search of missing persons.

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

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal (e.g., Department of Justice), State or local (e.g., State or local licensing boards), charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Disclosures may be made in the course of employee discipline or competence determination proceedings to parties such as police, attorneys, and Office of Personnel Management employees.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public

Health Service in connection with such individual).

4. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

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

STORAGE:

Index cards, file folders, picture files.

RETRIEVABILITY:

Name, hospital number, sticker and key number, and chronologically.

SAFEGUARDS:

Access is limited to authorized security and hospital personnel. Area is secured by 24-hour security guard. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Captain, Security Force, St. Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

A patient, former patient, employee, former employee, relative of patient, volunteer or visitor may learn if a record exists about himself/herself, upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator
Security Force
St. Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided when requesting notification:

- (a) full name;
- (b) the capacity in which the requester had contact with St. Elizabeths Hospital;
- (c) the approximate dates of contact with the hospital;
- (d) the nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Hospital staff, medical records, patients and relatives of patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0016

SYSTEM NAME:

Saint Elizabeths Hospital Patients' Personal Property Record System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Patients Property Unit, Glenside Building, Saint Elizabeths Hospital, Wash., D.C. 20032, and Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and Current Patients.

CATEGORIES OF RECORDS IN THE SYSTEM:

- 1. Inventory of patient's private property on admission, newly acquired property, released property and unclaimed property.
- 2. Comments on condition of private property, damages, lost and storage status.
- 3. Receipts of authorization for purchases and vendors' receipts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, et seq.

PURPOSE(S):

Documenting entries and releases of personal property; accounting and verifying documented inventories and purchases; internal referrals by patient property office staff and legally appointed administrators.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal (e.g., Department of Justice), State or local (e.g., State and local licensing boards), charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. Disclosures may be made in the course of employee discipline or competence determination proceedings to parties involved in the proceedings such as police, attorneys, and Office of Personnel Management employees.

4. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

STORAGE:

Folders and cards.

RETRIEVABILITY:

By name, alphabetized.

SAFEGUARDS:

Only patient property staff have access to locked file cabinets. At night building is locked and secured by 24-hour security guards. These safeguards are in accordance with DHHS Chapter

45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisory Storage Management Specialist, Patients Property Unit, Glenside Building, Saint Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

A patient or former patient may learn if a record exists upon written request, with notarized signature if request is made by mail, or with a suitable identification if request is made in person, directed to:

Privacy Act Coordinator
Property Unit
Glenside Building
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following data must be provided when requesting notification:

- (a) full name;
- (b) approximate dates of enrollment at Saint Elizabeths Hospital;
- (c) if possible, the patient's hospital number;
- (d) the nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Admission report lists, ward reports, patients' correspondence files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0017

SYSTEM NAME:

Saint Elizabeths Hospital Legal Office Record System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Legal Advisor's Office, Room 226, Administration Building, Saint Elizabeths Hospital, Washington, D.C. 20032.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and current patients and employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 3504.

PURPOSE(S):

To determine, monitor, and follow up legal status, rights, and problems of individual employees and patients. Used as resource material in preparation for civil actions or proceedings.

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

1. Disclosures may be made in negotiations with U.S. Attorney's Office, D.C. Courts, Mental Health Commission, Corporation Counsel, Justice Department, attorneys and others concerned with the legal considerations of patients and employees.

2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purposes for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

STORAGE:

File folders and index cards.

RETRIEVABILITY:

Patient or employee name.

SAFEGUARDS:

Access restricted to Legal Office staff with photo I.D. Locked at night. Building secured with 24-hour guard. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Legal Advisor, Administration Building, Saint Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself/herself, subject to the limitations of 5 U.S.C. 552a(d)(5), upon written request, with notarized signature if the request is made by mail, or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator
Legal Advisor's Office
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided when requesting notification:

- (a) full name;
- (b) the capacity in which the requester had contact with St. Elizabeths Hospital;
- (c) the approximate dates of contact with the hospital;
- (d) the nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Patient records, commitment folders, staff reports, Auditors Office of D.C. Superior Court, Court System of D.C., Mental Health Commission, U.S. Attorney's Office, Corporation Counsel and private attorneys.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0018

SYSTEM NAME:

Saint Elizabeths Hospital Area D Community Mental Health Center Citizens Advisory Group Records. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Area D Community Mental Health Center, Saint Elizabeths Hospital, Washington, D.C. 20032.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Citizens Advisory Committee, agencies, organizations, school students and citizens interested in CMHC activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, telephone numbers, occupations, transmittal letters and various memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2661 et seq.).

PURPOSE(S):

To maintain a directory of persons and organizations and a file of communications with those who act in an advisory capacity to Area D Community Mental Health Center.

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

1. Mailing lists with names and addresses are exchanged with Area D citizens groups.
2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.
3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United

States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

STORAGE:

File folders, index cards and paper tapes in cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access is limited to authorized community mental health center personnel only. All personnel screened. Files locked after business hours. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Community Liaison and Public Education
Area D - CMHC, R Building
St. Elizabeths Hospital
Washington, D.C. 20032

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

Privacy Act Coordinator
Assoc. Director for Community Liaison and Public Education

Area D Community Mental Health Center

St. Elizabeths Hospital
Washington, D.C. 20032

All the following information must be provided when requesting notification:

- (a) full name;
- (b) capacity in which requester had contact with the CMHC Area D Citizen Advisory group;
- (c) nature of information desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is voluntarily written on sign-in sheets at various community meetings and solicited through surveys.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0019

SYSTEM NAME:

Saint Elizabeths Hospital Court-Ordered Forensic Investigatory Materials File. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Active Patients: Saint Elizabeths Hospital, John Howard Pavilion, Washington, D.C. 20032.

Inactive patients (discharged or deceased): In the basement of Dix Building, Saint Elizabeths Hospital; and inactive patient records older than four years are stored in the Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present patients committed to Saint Elizabeths Hospital pursuant to the District of Columbia and United States Criminal Codes. Included are alleged criminal offenders sent for pre-trial examination; persons committed after having been found not guilty by reason of insanity; and mentally ill sentenced prisoners transferred from penal institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Court orders; criminal records; police reports; reports from the FBI and the Secret Service; prison records; reports from the United States Attorney and/or Corporation Counsel; correspondence from courts, defense attorneys and prosecutors; probation and parole reports; and, correspondence from Saint Elizabeths Hospital to the Courts, prosecution, defense and correctional authorities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 D.C. Code Sections 301(a), 301(b), 301(d), 302; 24 U.S.C. 161 and 211 et seq.

PURPOSE(S):

To aid in evaluation of patients regarding their competency and criminal responsibility, to aid in treatment of criminally committed patients, and to comply with court-ordered reporting.

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

1. Psychiatric evaluations based in part on this record are forwarded to referring courts, pursuant to court order, with copies to defense and prosecuting attorneys.
2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

Stored in file folders in file cabinets.

RETRIEVABILITY:

Retrieved by name and hospital number.

SAFEGUARDS:

Available only to properly trained and screened personnel. Access limited to authorized individuals only. Enforced by security personnel. Rooms are locked when unoccupied. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Pre-trial Section or, Chief, Post-trial Section, Division of Forensic Programs, Saint Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual who requests notification of a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Appeal of access refusal may be made to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Courts, police department, FBI, Secret Service, prisons, U.S. Attorney, Corporation Counsel, defense attorneys

prosecuting attorneys, and correctional authorities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemption from notification, record access and contest provisions granted under (j)(2) of the Privacy Act.

09-30-0020

SYSTEM NAME:

Administrative Records on Civilly Committed Drug Abusers Under the Narcotic Addict Rehabilitation Act. HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Community Assistance, National Institute on Drug Abuse, Room 9-03, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, Federal Records Center, 1557 St. Joseph Avenue, East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilly committed narcotic addicts, 1967-1978.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative records of rehabilitation status, court orders and petitions to the court.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Narcotic Addict Rehabilitation Act, Titles I and III (28 U.S.C. 2901 et seq. and 42 U.S.C. 3411 et seq.).

PURPOSE(S):

To enable the Federal Government to monitor patient progress from time of entrance into treatment program until discharge by court.

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

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is

compatible with the purpose for which the records were collected.

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

STORAGE:

Records at National Institute on Drug Abuse are stored on microfilm in file cabinets in a locked room. Records sent to Federal Records Center are stored in GSA-approved storage containers.

RETRIEVABILITY:

Filed alphabetically by patient name.

SAFEGUARDS:

Only the system manager and personnel trained in microfiche retrieval have access to these files. Files rooms have limited access and are locked after business hours. The safeguards described are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

The hard copy of the records have been retired to the Federal Records Center. These records and the microfilm (contains only a portion of the hard copy administrative record) will be subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Community Assistance, National Institute on Drug Abuse, Room 9-03, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself or herself upon written request with notarized signature. The request should include, if known: patient record number, patient's address during treatment, birth date, and approximate dates in treatment.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Patients; patients' drug treatment program counselors; court records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0021

SYSTEM NAME:

Patient Medical Records on PHS Beneficiaries 1935-1974 and Civilly Committed Narcotic Addicts 1967-1978 Treated at PHS Hospitals. HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Community Assistance, NIDA, Room 9-03, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.

Division of Mental Health Services, National Institute of Mental Health, Room 11-105, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, Federal Records Center, 1557 St. Joseph Avenue, East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PHS beneficiaries treated 1935-1974 and civilly committed narcotic addicts treated 1967-1978 at the PHS hospitals at Lexington, Kentucky and Fort Worth, Texas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Sections 321-326, 341 (a) and (c), (42 U.S.C. 248-253, 257 (a) and (c)); Narcotic Addict Rehabilitation Act, Titles I and III, (28 U.S.C. 2901 et seq. and 42 U.S.C. 3411 et seq.).

PURPOSE(S):

To provide information to health care providers of the Public Health Service, in order for them to monitor and insure continuity of care.

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

In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect operations of the Department or any of its components; or (c) any Department employee in his or

her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders within file boxes.

RETRIEVABILITY:

Filed by patient hospital number.

SAFEGUARDS:

Only the system manager and support staff with the Division of Community Assistance are allowed access to these files. File room is locked after business hours. The safeguards described are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records have been retired to a Federal Records Center and will be subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Community Assistance, National Institute on Drug Abuse, Room 9-03, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.

Chief, Mental Health Care & Services Financing Branch, National Institute of Mental Health, Room 11-105, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. Provide a notarized signature as proof of identity. The request should include, if known: patient record number, any alias used, hospital name and/or location, and approximate dates when in the hospital.

An individual who requests notification of a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Patients, hospital staff, drug treatment program counselors, and court records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0022

SYSTEM NAME:

National Institute on Drug Abuse, Addiction Research Center, Federal Prisoner and Non-Prisoner Patient Files. HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

NIDA Addiction Research Center, 4940 Eastern Avenue, Room 5D — East Wing, Baltimore, MD 21224.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal prisoners (involved in research projects from 1968-1976) and non-prisoner volunteers (involved in research projects from 1980 — present) in intramural drug addiction research program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records involved are administrative, medical and research records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 301, 341(a), and 344(d) (42 U.S.C. 241(a), 257(a) and 260(d)); Drug Abuse Prevention, Treatment, and Rehabilitation Act, Section 501 (21 U.S.C. 1191).

PURPOSE(S):

To enable Federal drug abuse researchers to evaluate and monitor subjects' health during participation in a research project.

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

In the event of litigation where the defendant is (a) the Department, any

component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders within locked file cabinets.

RETRIEVABILITY:

Filed alphabetically by subject name.

SAFEGUARDS:

Only authorized Addiction Research staff (project director and his/her research team) are allowed access to these files. Files and file room are locked after business hours. The safeguards described are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

Because much of the data collected in these research projects are sensitive and confidential, special safeguards have been established. Certificates of confidentiality have been issued under 42 CFR Part 2a to those projects initiated since February 1980. This authorization enables persons engaged in research on mental health, including research on the use and effect of psychoactive drugs, to protect the privacy of research subjects by withholding their names or other identifying characteristics from all persons not connected with the conduct of the research. Persons so authorized may not be compelled in any Federal, state, or local civil criminal, administrative, legislative, or other proceeding to identify such individuals. In addition, these records are subject to 42 CFR Part 2, the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56), which state:

'Where the content of patient records has been disclosed pursuant to these regulations for the purpose of conducting scientific research * * * information contained therein which

would directly or indirectly identify any patient may not be disclosed by the recipient thereof either voluntarily or in response to any legal process whether Federal or State.

RETENTION AND DISPOSAL:

Records will be disposed of in accordance with the ADAMHA Records Control Schedule. The disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Scientific Director, NIDA Addiction Research Center, 4940 Eastern Avenue, in care of Baltimore City Hospitals, Baltimore, MD 21224.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. Provide a notarized signature as proof of identity. The request should include the patient's register number and/or the number of years of incarceration, full name at time of participation in the research project, date(s) of research participation, and title of research project or name of drug being studied. An individual who requests notification of a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Patients; drug treatment programs; Bureau of Prisons; case workers; psychiatrists; research laboratories; and pharmacies and hospitals. Many of these records are confidential and privileged communications as guaranteed under Section 344(d) of the PHS Act.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0023

SYSTEM NAME:

Records of Contracts Awarded to Individuals. HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute on Drug Abuse, Contracts Management Branch, Room 10-49, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

National Institute on Alcohol Abuse and Alcoholism, Contracts Management Branch, Room 14-C-08, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

National Institute of Mental Health, Contracts Management Branch, OPS, Room 11-A-10, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, Procurement Section, Saint Elizabeths Hospital, Washington, D.C. 20032.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contractors and contractors' personnel including contractors' consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Curriculum vitae, salary information, evaluations of proposals by contract review committees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301 (42 U.S.C. 241 and 41 U.S.C. 252(c)). NIDA: Drug Abuse Office and Treatment Act Sections 410 and 501 (21 U.S.C. 1177 and 1191). NIAAA: Community Mental Health Centers Act, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 Sections 101, 311 (42 U.S.C. 4551, 4577). NIMH: Public Health Service Act Section 455.

PURPOSE(S):

To document the history of each individual procurement action and award made within ADAMHA. The record system is also used by contract review committee members in evaluating a proposal.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office

made at the written request of that individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Documents filed in folders in enclosed and/or locked file cabinets.

RETRIEVABILITY:

By contract number and cross-indexed by contractor organization's name.

SAFEGUARDS:

Released only to authorized Federal contract and support personnel. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

National Institute on Drug Abuse, Chief, Contracts Management Branch, OPS, Room 10-49, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

National Institute on Alcohol Abuse and Alcoholism, Chief, Contracts Management Branch, Room 14-C-04, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

National Institute of Mental Health, Chief, Contracts Management Branch, Room 11-A-10, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, Procurement Officer Saint Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself/herself upon written request with notarized signature. The request should include, if known, name of contractor firm, contract number, and approximate date contract was awarded.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Contract proposals and supporting contract documents, contract review committees, site visitors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0024

SYSTEM NAME:

Saint Elizabeths Hospital General Administrative Record Systems. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Superintendent, Room 109, Saint Elizabeths Hospital, 2700 Martin Luther King, Jr. Ave. S.E., Washington, D.C. 20032, and Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former, current, and potential patients and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Data having potential legal consequences included in investigation reports; (2) letters; (3) memos; (4) minutes of meetings and conferences; (5) organizational charts and assignments; (6) copies of disclosures of medical, biographical, employment, and educational information made from said investigation reports, letters, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, 21 DC Code 1501, 21 DC Code 562, 5 U.S.C. 7902, Executive Order 11807, 9/28/74 and Presidential Safety Policy 10/24/1969.

PURPOSE(S):

To facilitate the management of the daily administrative functions within the hospital. These functions include the management of the Fire Department, the House-Keeping Section, the Public Information Office, the Clinical Program; administration of medical, legal and criminal investigations, accident reports, conservator files, court calendars, evaluation and program assessment of the adequacy of the therapeutic activity, employee performance, conference procedures, organization charts, patient and employee assignments, and source material for congressional and other requests approved by the record System Manager.

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

1. Disclosure may be made pursuant to 24 USC 168a to the following federal and local agencies: the District of Columbia, The United States Bureau of Prisons, The Veterans Administration, The United States Soldiers Home, and The State Department to report treatment provided to specific patients, or to report evaluation of potential patients for admission.

2. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal (e.g., Department of Justice), State or local (e.g., State and local licensing boards), charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the

requesting agency's decision on the matter.

4. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

5. Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

6. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

7. Disclosures may be made in the course of employee discipline or competence determination proceedings to parties involved in the proceedings such as police, attorneys, and Office of Personnel Management employees.

8. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

9. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

STORAGE:

File folders, index cards, subject record book, punch cards, magnetic tapes, charts.

RETRIEVABILITY:

Indexed and retrieved by name, hospital case number, Civil Service grade, criminal case number. Records are also filed chronologically.

SAFEGUARDS:

Access restricted to administrative and support staff, personnel surveillance, locked files. For computer media records, a password code system is in effect. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, Saint Elizabeths Hospital, Room 109, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself/herself upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: Privacy Act Coordinator, Office of the Superintendent, Room 109 Saint Elizabeth's Hospital, Washington, D.C. 20032.

All of the following information must be provided when requesting notification: (a) full name; (b) dates of the contact with Saint Elizabeths Hospital; (c) the Branch, Division, or Office with which the requester had contact; (d) the capacity in which the requester had contact with the hospital, e.g., patient, employee, vendor, representative of professional organization, etc; (e) the nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures

above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Patient and Employee records, HHS, ADAMHA, NIMH, and SEH forms, correspondence, Public Media, Staff Consultants, Relatives, Auditors Reports, Conservators, U.S. Postal Service, U.S. and D.C. Courts, Public Defenders Service, D.C. Mental Health Commission, other persons or outside Agencies and Organizations offering information or initiating requests, volunteers offering services, interviews, minutes of conferences, seminars and meetings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0026

SYSTEM NAME:

Saint Elizabeths Hospital Research Project Record. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Behavioral Studies Building, Saint Elizabeths Hospital, Washington, D.C. 20032, and Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Staff, trainees, or outside investigators who seek approval or who have obtained approval to conduct research projects at Saint Elizabeths Hospital.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written documents pertaining to research project proposals and/or results obtained from approved research studies, research protocols, and curriculum vitae of research applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, Public Health Service Act Section 301(42 U.S.C. 241).

PURPOSE(S):

To: (1) evaluate scientific and historical research proposals for official approval; (2) disseminate results obtained from approved research studies; (3) evaluate program and operations.

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

1. A record may be disclosed for a research purpose, when the Department:

- (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;
- (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;
- (c) has required the recipient to — (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except — (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;
- (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

2. Disclosures may be made in the course of employee discipline or competence determination proceedings to parties involved in the proceedings such as police, attorneys, and Office of Personnel Management employees.

3. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

4. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any

employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

STORAGE:

File folders and filing cabinets.

RETRIEVABILITY:

System is filed by name of primary investigator, and date of research proposal submission, title of research project, and date of research completion.

SAFEGUARDS:

Records are kept in monitored offices and are only available to persons authorized to use records for the purposes for which they were collected. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Nursing Division, Room 300, Administration Building, Saint Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

An individual may learn if a record about himself/herself exists upon written request with notarized signature

if request is made by mail, or with suitable identification if request is made in person, to:

Privacy Act Coordinator
Office of Deputy Director
Nursing Division
Room 300, Administration Building
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided: (a) full name; (b) dates when research project was proposed, approved or disapproved and completed; (c) staff position held in terms of staff, trainees, or outside investigator; (d) title of research project.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained from the primary research investigator, and supervisory and administrative personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0027

SYSTEM NAME:

Grants: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships, Clinical Training, Community Services, Cooperative Agreements. HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute on Drug Abuse, Grants Management Branch, Room 9A-05, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20857.

National Institute on Alcohol Abuse and Alcoholism, Grants Management Branch, Room 16-86, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

National Institute of Mental Health, Grants Management Branch, OPS, Room 7C-02, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Principal investigators, program directors, trainees, fellows, research scientist development awardees, and other employees of applicant or grantee institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant and cooperative agreement applications and review history, including curriculum vitae, salary information, summary of review committee deliberations and supporting documents, progress reports, financial records, National Research Services Act awardee payback records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301 (42 U.S.C. 241) Public Health Service Act, Section 410, Drug Abuse Prevention, Treatment, and Rehabilitation Act (42 U.S.C. 1177), Section 301 (42 U.S.C. 241) and Section 303 (42 U.S.C. 242a); Public Health Service Act, Sections 101, 311, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, (42 U.S.C. 4591), Sections 301, 303, 433(a), 455, and 472 (a)(1)(a), Public Health Service Act, (42 U.S.C. 241, 242a, 289C, 289k-1 and 289l-1), and Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.).

PURPOSE(S):

Records are maintained as official documentation relevant to the review, award, and administration of grant programs. Specifically, records are: 1. used by staff program and management specialists for purpose of awarding and monitoring grant funds; 2. used to maintain communication with former trainees/fellows who have incurred an obligation through the National Research Services Award Program (42 U.S.C. 289l-1).

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

1. Referrals may be made of assignments of research investigators and project monitors on specific research projects to the National Technical Information Service (NTIS), Department of Commerce, to contribute to the Smithsonian Science Information Exchange.

2. Disclosure may be made to qualified experts not within the definition of Department employees for opinion during the application review process.

3. A record may be disclosed for a research purpose, when the department:

- (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;
- (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;
- (c) has required the recipient to — (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except — (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.
4. Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits, or utilization review.
5. Disclosure may be made to the cognizant Audit Agency and the General Accounting Office for auditing.
6. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal (e.g., the Department of Justice and the Office of General Counsel) or State (e.g., the

State's Attorney's Office), charged with the responsibility of investigating or prosecuting such violation or charge with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

7. Disclosure may be made to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

8. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

9. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

10. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

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

STORAGE:

Noncomputerized documents are filed in folders in enclosed file cabinets and open shelves. Information on 3 x 5 cards

in file cabinets. Computerized records exist in tape and disk form.

RETRIEVABILITY:

By grant numbers and cross-indexed by name.

SAFEGUARDS:

The chief of the Grants Management Branch and staff authorized by him/her: grants specialists, grants technicians and assigned computer personnel have access to the files. Computerized records are password protected; passwords are changed from time to time. Computerized records are maintained in a secured area. During normal work hours, this area is staffed by authorized personnel who must show identification for entry. At other times, the computer area is locked. Hard copy files are stored in rooms which are locked at night. There is 24-hour guard patrol in the building. These safeguards are in accordance with DHHS Chapter 45-13, and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual, and Part 6, 'ADP System Security' in the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA records control schedule. The records control schedule and disposal standard for these records may be obtained by writing to the appropriate system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

National Institute on Drug Abuse, Chief, Grants Management Branch, OPS, Room 9A-05, Parklawn Building, 5600 Fisher's Lane, Rockville, Md. 20857.

National Institute on Alcohol Abuse and Alcoholism, Chief, Grants Management Branch, Room 16-86, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

National Institute of Mental Health, Chief, Grants Management Branch, Room 7C-02, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address. Verifiable proof of identity is required.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought, and should provide the official grant number when possible.

CONTESTING RECORD PROCEDURES:

Contact the appropriate system manager at the address specified above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicants, grantees, fellows, trainees, personnel at grantee institution on whom the record is maintained, Federal advisory committees, site visitors, consultants, references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0028

SYSTEM NAME:

Saint Elizabeths Hospital General Medical/Clinical Records System and Related Indexes. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This is a widely decentralized system of records. Inactive patient records are located in the basement of the Dix Building. Active patient records are located in the division where the patient is residing, including possibly contractor locations. A current listing of contractor sites is available from the System Manager. SEH Clinical divisions are listed below under System Manager. Records are stored at the Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All past and present patients of Saint Elizabeths Hospital.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inpatient and outpatient psychiatric medical/clinical records. The medical/clinical record contains identifying data (name, date and place of birth, age, sex, race, marital status, legal category, social security number, leave and residential status, admission and discharge dates, identification of relatives and hospital identification number) and medical/clinical information (physician's admission note, results of physical examinations, descriptions of patient's present and past physical and mental health, diagnosis, prognosis, consultant's opinions, social history, treatment plan, results of diagnostic tests and procedures, notes of patient's response to treatment, progress notes, nurses' notes, incident reports, and reports or

notes of others who contributed to a patient's treatment and/or social work efforts, and correspondence with Saint Elizabeths Hospital concerning such a patient.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, et seq.; 21 D.C. Code 562.

PURPOSE(S):

1. To document a patient's illness, chief complaint, history, physical examination, diagnostic test and procedure reports, to plan treatment whether as an inpatient or an outpatient.
2. To promote continuity of care for follow-up of treatment; for reference upon future treatment and care.
3. To provide a basis for reports mandatory under Federal and local laws.
4. In some instances, to provide as a basis for action in the course of employee discipline or competence determination proceedings.
5. To transact-hospital business in filing insurance claims, verification of patient's competency, disability, or retirement benefits, verification of leave status and residence.
6. To serve as a basis for hospital administrative planning and evaluation of its programs.
7. To serve as impersonal documents for the hospital staff continuing education and studies.
8. To be used by hospital staff for assessment of the quality of treatment, for medical audit and utilization review.
9. To be used for the legal defense of the hospital and its staff in cases where a claim is based on patient's mental or physical conditions and arising from the patient's treatment at Saint Elizabeths Hospital.
10. To be used for statistical reports, monthly analysis of clinical division services, monthly, quarterly, annual reports.
11. To serve as a basis for reports to accrediting agencies, Joint Commission on Accreditation of Hospitals, American Hospital Association, American Psychiatric Association, Medicare Licensure, etc.
12. To prepare indexes based on medical/clinical records that are routinely used for: (a) speedy identification and location of specific patients; (b) monitoring the completeness of patient records, particularly records of patients discharged or deceased; (c) monitoring the changing status of patients in terms of either transfers

within the hospital or outside the hospital; (d) easy identification of basic demographic data used for statistical and/or research purposes; and, (e) quick review of current treatment regimen in some cases.

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

Disclosure may be made:

1. To facilitate treatment of patient when admitted to other facilities; to send records to new physicians.
2. To personnel who are not employees of the hospital for accreditation or licensure of the hospital.
3. Of reports to a referring source such as a physician or a court; and to authorized parties, who have legitimate interests in the patient, who are not employed by or connected with Saint Elizabeths Hospital, such as the Interstate Services Section of the District of Columbia government.
4. To Assistant United States Attorneys, Assistant Corporation Counsel, defense attorneys, and the Mental Health Commission, who request a patient's medical records in cases where a physician-patient privilege is waived by statute, in order that information necessary to perform statutory governmental functions in civil commitment, adult criminal, and juvenile proceedings, will be available to the parties and the fact-finders.
5. In the case of a patient who lacks the capacity to give informed consent to the release of his or her medical records, and who has no legal guardian to act on his or her behalf, disclosure may be made to appropriate individuals or organizations so that such individuals or organizations may provide a benefit or service to the patient, such as (but not limited to) welfare benefits or occupational services.
6. For a research purpose, when the department: (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (c) has required the recipient to -- (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which

removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature or retaining such information, and (3) make no further use or disclosure of the record except -- (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

7. To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review, including Professional Standards Review Organizations.

8. Disclosures may be made in the course of employee discipline or competence determination proceedings to parties involved in the proceedings such as police, attorneys, and Office of Personnel Management Employees.

9. To a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

10. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.)

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

STORAGE:

1. Active Patients—File folders with general medical record and correspondence file are kept in metal file cabinets. Index cards, monitoring cards, kardex and addressograph plates are kept in their appropriate containers.
2. Inactive Patients (Discharged and Deceased Patients) — Clinical and correspondence records are filed in separate coded folders with unit numbering system. Patients index — 3x5 card file of all patients hospitalized or treated at SEH in a Kardvex; Diagnostic Indexes — a 5x7 separate index card file stored in a Visu-Triver.

RETRIEVABILITY:

Data are retrieved by patient's name and hospital number.

SAFEGUARDS:

1. Available only to properly trained and screened personnel.
2. Access limited to authorized individuals only. Enforced by Security personnel. Rooms are locked when unoccupied. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

I. For Records of Inactive Patients:

Superintendent
Room 105, Administration Building
Saint Elizabeths Hospital
Washington, D.C. 20032

II. For Records of Active Patients:

Director
Area D Community Mental Health Center
Dix Building, Saint Elizabeths Hospital
Washington, D.C. 20032

Director
Division of Child and Adolescent Services
Dix Building, Saint Elizabeths Hospital
Washington, D.C. 20032

Director
Noyes Division
Noyes 7, Saint Elizabeths Hospital

Washington, D.C. 20032

Director
Forensic Division
John Howard Pavilion, Saint Elizabeths Hospital
Washington, D.C. 20032

Director
Goddard Division
Goddard 6, Saint Elizabeths Hospital
Washington, D.C. 20032

Director
Marr Division
Nichols Building, Saint Elizabeths Hospital
Washington, D.C. 20032

Director
Mental Health Program for the Deaf
L Building, Saint Elizabeths Hospital
Washington, D.C. 20032

Director
Medicine Branch
W W Eldridge Bldg., Saint Elizabeths Hospital
Washington, D.C. 20032

Director
O'Malley Division
Q Building, Saint Elizabeths Hospital
Washington, D.C. 20032

Director
Richardson Division
P Building, Saint Elizabeths Hospital
Washington, D.C. 20032

Clinical Director
William A. White Division
William A. White Building
Saint Elizabeths Hospital
Washington, D.C. 20032

NOTIFICATION PROCEDURE:

A patient or former patient may learn if a record exists upon written request, with notarized signature if request is made by mail, or with suitable proof of identity if request is made in person, directed to, as appropriate:

Active Patients:

Privacy Act Coordinator
Office of the Director (Division where person receives treatment; see list under 'System Manager')
Saint Elizabeths Hospital
Washington, D.C. 20032

Inactive Patients:

Privacy Act Coordinator
Office of Medical Records Branch
A Building
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided when requesting notification: (a) full name; (b) for discharged patients, approximate dates enrollment at Saint Elizabeths Hospital; (c) if possible, the patient's hospital number; (d) the nature of the material

desired. A parent or guardian who requests notification of a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Medical records are a compilation of sociological, medical, clinical and historical data of a patient. They are a complete report of an illness resulting from an accumulation of a large amount of information about a patient. The information recorded was given by the patient, his/her relatives, or other third persons interested in the patient, from existing records used as reference, from clinical tests (different departments such as lab, X-ray, EEG, etc.), physicians, psychiatrists, nurses, social workers, other therapists who entered their observations and assessments by means of progress notes, reports, etc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0029

SYSTEM NAME:

Record of Guest Workers. HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Parklawn Building, Room 12-95, Rockville, Md. 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals using ADAMHA facilities who are not employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information including name, address, date and place of birth, education, employment, purpose for which ADAMHA facilities are desired, outside sponsor and ADAMHA sponsor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241.

PURPOSE(S):

To document individual's presence at ADAMHA and as a record that the individual is not performing services for ADAMHA and is therefore not an employee.

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

1. Disclosure may be made to the U.S. Office of Personnel Management for program evaluation purposes.

2. Disclosure may be made to institutions providing financial support for subject individual.

3. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

4. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Stored in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Locked files accessible only to authorized individuals, i.e., employees of Division of Personnel Management and ADAMHA managers and supervisors with legitimate interest in guest worker. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Retained for three years after completion of sojourn, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel Management, ADAMHA, 5600 Fishers Lane, Rockville, Md. 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, contact the System Manager at the address above. Individuals who request notification in person must supply one proof of identity containing individual's complete name and one other identifier with picture (e.g., driver's license, building pass). Individuals who request notification by mail must supply notarized signature as proof of identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Subject individual and ADAMHA sponsor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0030

SYSTEM NAME:

Record of Visiting Fellows. HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Alcohol, Drug Abuse, and Mental Health Administration, Division of Personnel Management, 5600 Fishers Lane, Room 12-95, Parklawn Building, Rockville, Md. 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals undergoing training who are not employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information including name, address, date and place of birth, education, qualifications for training, stipend information, visa information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241 and 42 U.S.C. 4821-1

PURPOSE(S):

To refer candidates to selecting officials for placement and to maintain information concerning their employment while at ADAMHA.

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

1. Disclosure may be made to the U.S. Office of Personnel Management for program evaluation purposes.
2. Disclosure may be made to the General Accounting Office for fund disbursement determinations.
3. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.
4. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Stored in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Kept in locked file accessible only to authorized individuals, i.e. employees Division of Personnel Management and ADAMHA managers and supervisors with a legitimate interest in individual as an employee. The safeguards described are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Retained for three years after completion of fellowship, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Personnel Management, ADAMHA, 5600 Fishers Lane, Rockville, Md. 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, contact the System Manager at the address above. Individuals who request notification in person must supply one proof of identity containing individual's complete name and one other identifier with picture (e.g., driver's license, building pass). Individuals who request notification by mail must supply notarized signature as proof of identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Fellowship applicant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0031

SYSTEM NAME:

Saint Elizabeths Hospital Biometrics System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Biometrics Branch, Saint Elizabeths Hospital, Administration Building. Billing records may also be located at contractor sites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former & Current Patients.

CATEGORIES OF RECORDS IN THE SYSTEM:

Patient name, hospital number, demographic and individual characteristics, tracking or patient movement and billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, et seq.

PURPOSE(S):

Data is used for patient billing and to generate special and recurring reports for administrators, health professionals, managers, and researchers for their

program management, planning, analysis, evaluation and research.

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

1. Information is disclosed to D.C. Mental Health Areas for continuity of care, after care and community follow-up.
2. A record may be disclosed for a research purpose, when the Department:
 - (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;
 - (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;
 - (c) has required the recipient to — (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except — (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;
 - (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.
3. Data is provided to volunteers involved in the treatment process of the hospital.
4. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of the individual.

5. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Saint Elizabeths Hospital forms, file folders, punch cards and magnetic tape.

RETRIEVABILITY:

Hospital case number, name, pre-determined codes. Some subsystems kept in chronological order.

SAFEGUARDS:

Employee training, restricted access, locked at night. For computerized records there is a password system in effect. These safeguards are in accordance with DHHS Chapter 45-13 and Supplementary Chapter PHS.hf: 45-13 in the General Administration Manual and Part 6, "ADP System Security" in the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Biometrics Branch, Administration Bldg., St. Elizabeths Hospital, Wash., D.C. 20032.

NOTIFICATION PROCEDURE:

A patient or former patient may learn if a record exists upon written request, with notarized signature, directed to: Privacy Act Coordinator, Biometrics Branch, Administration Bldg., Saint Elizabeths Hospital, Washington, D.C. 20032

All of the following information must be provided:

- (a) full name;
- (b) approximate dates of enrollment at Saint Elizabeths Hospital;
- (c) the nature of the material desired.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Saint Elizabeths Hospital forms prepared by staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0033

SYSTEM NAME:

Correspondence Files. HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

ADAMHA Executive Secretariat, Room 12-94, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Executive Secretariat, National Institute on Drug Abuse, Room 10A-23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Executive Secretariat, National Institute on Alcohol Abuse and Alcoholism, Room 16-95, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Executive Secretariat, National Institute of Mental Health, Room 17C-10, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request information on ADAMHA programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 1191; 42 U.S.C. Sections 289k-1, 3511, 4551

PURPOSE(S):

To provide reference retrieval and control to assure timely and appropriate attention.

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

Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Correspondence records maintained in hard copy; control records maintained on computer printout, tape, and disk.

RETRIEVABILITY:

Hard copy records indexed alphabetically by name and date of outgoing correspondence, by subject, and/or by computerized numerical code. Records are cross-referenced in detail on computer.

SAFEGUARDS:

Records are maintained in file cabinets in a locked, secure location. Access to computer system is limited to authorized personnel through the use of passwords. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual and Part 6, "ADP System Security" in the HHS ADP System Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Same as location.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the applicable system manager at the address above. Give name and approximate date of records requested. Individuals who request notification in person must supply one proof of identity containing individual's complete name and one other identifier with picture (e.g., driver's license, building pass). Individuals who request notification by mail must supply notarized signature as proof of identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the appropriate official at the address specified under Notification Procedures above and reasonably identify the record. Specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Records are derived from incoming and outgoing correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0034

SYSTEM NAME:

Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Training, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, Room 10A-46, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Health Control Systems, Inc., 11325 Seven Locks Road, Potomac, Maryland 20854.

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have participated in National Training System (NTS) courses either as trainees or as instructors/trainers. The term "trainees" encompasses all categories of persons who are students in NTS courses, whether or not they have experience yet in the substance abuse services and/or training fields. "Instructors" are persons qualified to teach one or several aspects of a NTS course, but not qualified in all aspects of teaching techniques and not authorized within the NTS to validate another person's qualifications for training others to teach the course content. "Trainers" are persons who are qualified through NTS-recognized academic or specialized preparation in all aspects of a NTS course, and are certified by NTS to teach the course, train and supervise other persons to teach it, and validate other persons' qualifications to teach it for NTS. An individual's status can vary from course to course. Persons who have participated in substance abuse-related training activities that meet NTS standards but are provided by non-NTS organizations are also included in the registries at the participants' option.

CATEGORIES OF RECORDS IN THE SYSTEM:

Course records which include: name, birthdate, sex, address, employment, length of time employed in the field of substance abuse services training, name and version of course, course completion records, date of course, name of instructor/trainer or trainees as appropriate, and training sponsor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Prevention, Treatment and Rehabilitation Act, Sections 410 and 501 (21 U.S.C. 1177 and 1191); Public Health Service Act, Section 301 (42 U.S.C. 241(a)).

PURPOSE(S):

The registries which constitute this system of records enable individuals to obtain confirmation of their successful completion of substance abuse training courses. This in turn enables them to obtain the certification of academic credit necessary to verify their qualifications for employment in the substance abuse training or services fields. Disclosures for this purpose are made only to subject individuals or others as the subject individual permits in writing, such as academic institutions and potential employers.

Individually identified information will not be otherwise disclosed to persons or organizations either within or outside the DHHS except as provided by the routine uses set forth below and as otherwise provided by Section 3(b) of the Privacy Act (5 U.S.C. 552a(b)). The nonindividually identified aggregate data will be analyzed by the National Institute on Drug Abuse (NIDA) for quality control and will be available to the public for purposes of identifying drug abuse services training trends.

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

1. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining the records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

2. Disclosure may be made to a congressional office from the record of

an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

3. Disclosure may be made to members of the Professional Development Program Standards Committee (PDPSC) to enable them to carry out their responsibilities for certification of instructors/trainers and confirmation of trainees' participation in courses.

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

Batch control sheets, individual registration forms (automated and nonautomated), keypunch cards, computer tapes and disks are utilized. Individually identifiable information on original forms are stored in locked cabinets.

RETRIEVABILITY:

The system is filed by the name of the trainee or instructor/trainer.

SAFEGUARDS:

Records are kept in premises with accessibility to contractor staff, NIDA project officers, and his/her support staff. Individually identifiable information in paper media (batch control sheets, registration forms, and keypunch cards) are stored in locked cabinets. For computerized records, safeguards established in accordance with the National Bureau of Standards guidelines and HHS's System Manual, Part 6, "ADP System Security", are utilized. Specifically, premises are secured in accordance with existing security systems for safeguarding records at the Federal Government computer center in the Parklawn Building, Rockville, Maryland. Security personnel patrol the premises there 24 hours a day. Computer systems are secured through locked magnetic disk libraries as well as password access computer system.

These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

NOTE: NIDA contracts with non-Federal parties shall stipulate agreement to the above procedures on the part of the contractor.

RETENTION AND DISPOSAL:

The current NTS standard requires that NTS instructors/trainers teach a course every 18 months in order to be recertified. Most States and academic institutions similarly require their staffs

to periodically update their knowledge and skills through continuing education courses. If individuals discontinue their participation in NTS or NTS-approved training, supporting records of their participation become obsolete rather rapidly for purposes of verifying qualifications. Therefore, records on an individual are retained for only three years following the individual's most recent completion of course requirements for earning academic credit and/or meeting employment qualifications. After three years with no further reported activity, only information an individual's date(s) of certification(s) as instructor/trainer in NTS course(s) is retained indefinitely.

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Professional Development Program, Division of Training, NIDA, Alcohol, Drug Abuse, and Mental Health Administration, Room 10A-46, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself or herself upon written request with notarized signature. The following information should be provided: full name at the time of training and, if known, location and date when training was provided, course name, and name of instructor/trainer and/or sponsoring organization.

Your Social Security number would be helpful for record locating purposes, but it is not required.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the Official at the address specified under Notification Procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Trainee registration form for each trainee in a course, containing personal and professional background information and course completion

validation; and "batch control" sheet for each course, identifying instructor(s)/trainer(s) and trainees. For instructors/trainers, sources also include: reports from national, State, and regional certification authorities; NTS national workshop recommendations; and equivalent sources upon which the Professional Development Program Standards Committee (PDPSC) will base decisions on certification of instructors/trainers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0035

SYSTEM NAME:

Three Mile Island Mental Health Survey, Respondent Records HHS/ADAMHA/NIMH

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Western Psychiatric Institute and Clinic, University of Pittsburgh, Pittsburgh, Pennsylvania 15260.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons participating in the Three Mile Island study of mental health sponsored by the National Institute of Mental Health following the nuclear reactor accident of March 19, 1979. Control group participants from Beaver County, Pennsylvania, are also included. The research and control groups both consist of workers in nuclear plants, mothers of young children, and mental health system clients.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and responses to the following interview instruments, as appropriate: Sociodemographic Information; Physical Illness Overview; Life Events; Symptom Check List-90; Social Network Interview; Current Mental Health; Job Related Issues; Langner Screening Inventory; and Schedule for Affective Disorders and Schizophrenia, Lifetime Version (SADS-L). The Current Mental Health and the SADS-L instruments include interviewers' interpretations and diagnoses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301, Public Health Service Act, 42 U.S.C. 241, Part A, Research and Investigations.

PURPOSE(S):

The system is created to enable the Government to arrange for follow-up

study at a later date. Such a follow-up would demonstrate whether any mental health effects detected in this study are of a transient or long-term nature. Without such knowledge, it is impossible to develop realistic plans for adequately meeting people's needs in time of disaster. Currently, for example, in the absence of knowledge about the duration of disaster-precipitated mental health problems, Federal grants for providing mental health services to disaster victims are limited to a 6-month period. Follow-up studies, such as the one proposed here, would help to ascertain the soundness of such a policy.

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

1. A record may be disclosed for a research purpose, when the Department:
 - (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;
 - (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;
 - (c) has required the recipient to — (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except — (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;
 - (d) has secured a written statement attesting to the recipient's

understanding of, and willingness to abide by these provisions.

2. Disclosure of relevant records may be made to a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

3. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

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

STORAGE:

Original questionnaires have been converted to microfiche, and the questionnaires destroyed by shredding. Two sets of microfiche, including the cross indexes, are being maintained in separate locations.

RETRIEVABILITY:

Records are being maintained in numerical order by the assigned identification number. An index is also maintained by name and identification number for cross reference.

SAFEGUARDS:

The microfiche are boxed and sealed and are being stored in a secured safe and/or vault, access to which is permitted only if authorized in writing by the Director of Sponsored Research or an authorized University official. Two sets of microfiche were made to ensure continuation of the system in the event of an unexpected catastrophe which could result in the destruction of the original set. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Retention of microfiche will not exceed twenty-two (22) years from date of recording. Destruction will be by burning, certified by an authorized University official.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Center for Studies of Emergency Mental Health, Division of Prevention and Special Mental Health Programs, National Institute of Mental Health, 5600 Fishers Lane Room 15-99, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, contact the System Manager at the

address above. Written requests must contain full name and notarized signature, and address at time of interview. Requests made in person require identification, such as driver's license, union card, passport, or notarized statement that the person is who he/she claims to be.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought, including the name of the interview instrument(s), if known. Because the Current Mental Health instrument and the Schedule for Affective Disorders and Schizophrenia include interviewer diagnoses, these portions of the record constitute medical records. An individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals in the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0036

SYSTEM NAME:

Mental Health Epidemiologic and Biometric Research Data, HHS/ADAMHA/NIMH

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are located at the research facilities which collect or provide research data for this system under contract to the agency. Contractors may include: research centers, clinics, hospitals, universities, research foundations, and coordinating centers. Records may also be located at the research facilities of the Division of Biometry and Epidemiology, National Institute of Mental Health. A current list of sites is available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subjects of research in epidemiologic, clinical, methodologic, and longitudinal research studies of mental health and mental disorders. These individuals are selected as representative of the general population or of special groups. Special groups might include, but are not limited to: clients referred for or receiving medical or mental health services; providers of health/mental health services; demographic sub-groups as applicable, such as age, sex, ethnicity, race, occupation, geographic location; and groups exposed to hypothesized risks, such as relatives of individuals with disorders, individuals who have experienced life stresses, or individuals with previous history of illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains varying items about the individual as relevant to a particular research study. Examples include, but are not limited to, items about the health/mental health of the individual, demographic data, past and present life experiences, personality characteristics, social functioning, utilization of health/mental health services, family history, physiological measures, and characteristics and activities of health/mental health care providers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301 of the Public Health Service Act, 42 U.S.C. 241, General Research and Investigation Authorities.

PURPOSE(S):

The purpose of the system of records is to collect and maintain a data base for research activities of the Division of Biometry and Epidemiology (DBE) of the National Institute of Mental Health (NIMH). Analyses of these data involve groups of individuals with given characteristics and do not refer to specific individuals. The generation of information and statistical analyses will ultimately lead to a better description and understanding of mental disorders, their treatment and prevention, and the promotion of mental health.

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

1. A record may be disclosed for a research purpose, when the Department: (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; e.g., disclosure of alcohol or

drug abuse patient records will be made only in accordance with the restrictions of confidentiality statutes and regulations 42 U.S.C. 4582, 21 U.S.C. 1175, and 42 CFR, Parts 2 and 2a, and where applicable, no disclosures will be made inconsistent with an authorization of confidentiality under 42 U.S.C. 242a and 42 CFR Part 2a;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of

(c) has required the recipient to — (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except — (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; and

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by, these provisions.

2. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from a congressional office made at the written request of that individual.

3. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to

represent such employee; the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of the individual's participation in activities of a Federal Government supported research project).

4. The Department contemplates that it will contract with a private firm for the purpose of collecting, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

Records are stored in various ways including file folders, computer cards, computer tapes or disks, microfiche, audio or video tapes, and index cards. Normally, the factual data, with study code numbers, are stored on computer tape or disk, while the key to personal identifiers is stored separately, without factual data, in paper files.

RETRIEVABILITY:

During data collection stages and followup, if any, retrieval by personal identifier (e.g., name or medical record number) is necessary. During the data analysis stage, data are normally retrieved by the variables of interest (e.g., diagnosis, age, occupation).

SAFEGUARDS:

(a) Physical — Physical security is achieved by storing records in locked rooms, locked file cabinets, and/or secure computer facilities. Access to personal identifiers is safeguarded by locked files and by separating data from identifiers as much as possible. Data stored in computers is secured in various ways, including access through the use of key words known only to authorized personnel.

(b) Procedural — Collection and maintenance of the information is done in a manner consistent with legislation and regulations in the protection of human subjects, informed consent, and confidentiality.

When DBE or a contractor provides anonymous data to research scientists for analysis, study numbers which can be matched to personal identifiers will be eliminated or replaced by the Division or the contractor with random numbers which cannot be so matched.

(c) Authorized Personnel — Access to identifiers and to the code which matches study members with them is strictly limited to the authorized personnel whose duties require such access. Procedures for determining authorized access to identified data are established as appropriate for each location. Personnel who may be so authorized include those directly involved in data collection and in the design of research studies, e.g., interviewers and interviewer supervisors; project managers; statisticians involved in designing sampling plans.

The safeguards are in accordance with Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual, and Part 6, "ADP System Security" in the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Identifiers are retained only as long as they are needed for the purposes of the current research project, and for follow-up studies generated by the present study. Disposal of identifiers is done according to the storage medium (e.g., erase computer tape, shred or burn index cards, etc.). A staff person designated by the System Manager will oversee and will describe and confirm the disposal in writing.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Biometry & Epidemiology, National Institute of Mental Health, Alcohol, Drug Abuse and Mental Health Administration, Parklawn Building, Room 18C-26, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. Provide individual's name; current address; date of birth; date, place and nature of participation in specific research study; name of individual or organization administering the research study (if known); name or description of the research study (if known); address at the time of participation; and a notarized statement by two witnesses attesting to the individual's identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

An individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

The system contains information obtained directly from the subject individual by interview (face-to-face or telephone), by written questionnaire, or by other tests, recording devices or observations, consistent with legislation and regulation regarding informed consent and protection of human subjects. Information is also obtained from other sources, such as health and mental health care providers, relatives, guardians, and clinical medical research records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0037

SYSTEM NAME:

Psychotherapy of Opiate-Dependent Individuals, HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Drug Dependence Treatment and Research Center, Philadelphia Veterans Administration Hospital (116D), University and Woodland Avenues, Philadelphia, Pennsylvania 19104, University of Pennsylvania, 39th Street and Woodland Avenue, Philadelphia, Pennsylvania 19104.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research subjects are adult clients admitted to a participating drug abuse treatment program offered by and located in the Philadelphia Veterans Administration Hospital, between September 30, 1977, and September 29, 1981.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of study subjects and their responses to interview instruments and tests in the following areas: sociodemographic characteristics; and psychiatric diagnosis; symptom, social functioning, and personality measures. Information on the drug abuse treatment and psychotherapy provided, and therapists' evaluations, are also included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Prevention, Treatment and Rehabilitation Act, Sections 410 and 503 (21 U.S.C. 1177 and 1193); Public Health Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

The system was created to provide a data base to be used by NIDA for research leading to a better knowledge and understanding of the psychiatric status of opiate-dependent individuals and to determine the efficacy of psychotherapy as part of a treatment program for such individuals. We do not anticipate any disclosure of individually identifiable information to other persons or organizations within the Department of Health and Human Services. Should a request for disclosure occur within the Department, such as provided by Section 3(b) of the Privacy Act, disclosure would not be permitted except in accordance with confidentiality regulations.

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

A record may be disclosed for a research purpose, when the Department:

- (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;
- (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;
- (c) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to

prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except: (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law.

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

Records are maintained on interview forms, audiotapes, keypunch cards, magnetic tapes, and disks.

RETRIEVABILITY:

Research records and locational information for followup are maintained in numerical order by assigned client number. A list is also maintained by name and assigned client number for cross reference.

SAFEGUARDS:

An authorization under Section 303(a) of the Public Health Service Act as amended (42 U.S.C. 242a(a)), implemented by confidentiality regulations (42 CFR Part 2a), has been issued to the contractor to assure that the contractor may not be compelled in any legal proceeding to identify the research subjects. In addition, these records are subject to the protective restrictions of the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56).

Project documentation, including cross reference list, completed interview forms, audiotapes, and computerized data files, is maintained under strict controls in a secure room at the contractors' facilities to ensure data integrity and confidentiality. The list, interview forms and audiotapes are stored in a locked and secure work space until data is entered on magnetic media and verified. Then, the forms and

cross reference list are destroyed by burning or shredding, and audiotapes are erased. After study source documents are disposed of, no connection can be made between computer file data and the individual. Magnetic tapes and disks are kept in a vault area. During all stages of processing and storage, senior project personnel control access to and removal and replacement of all documents from specified working and storage areas. Access is permitted only upon the written authority of the Principal Investigator or Co-Principal Investigators. The contractor has developed an extensive computer facilities security system which is used by programmers to protect computer account codes and data from access by unauthorized users.

The safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual, and Part 6, "ADP System Security" in the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

After all data collection and processing are complete (which will be no later than four years after date of recording), personal identifiers and source documents will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Psychotherapy of Opiate-Dependent Individuals Services Research Branch Division of Resource Development National Institute on Drug Abuse 5600 Fishers Lane, Room 10A-31 Rockville, Maryland 20857

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself or herself upon written request with notarized signature. The request should include, if known: name of the researcher, name of the study, location of the research site, approximate date of data collection, any alias used by individual, and assigned client number.

An individual who requests notification of, or access to, a medical record, shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Research subjects, drug treatment programs, clinical evaluators, counselors, psychiatrists, psychotherapists, family members, research assistants, pharmacies, hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0038

SYSTEM NAME:

Subject-Participants in Pharmacokinetic Studies on Drugs of Abuse, HHS/ADAMHA/NIDA

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Department of Psychiatry, School of Medicine, University of North Carolina, Chapel Hill, North Carolina 27514.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Normal, healthy adults who voluntarily participate in studies on the pharmacokinetics of drugs of abuse, at the University of North Carolina, during the period November 1979 through approximately October 1982.

CATEGORIES OF RECORDS IN THE SYSTEM:

Research records on each subject-participant contain the following information: name; clinician's records including medical history, laboratory test results, physical examinations, psychological profile, and drug use profile; drug study data including records of drugs administered, exposures to radioactivity, and drug reactions; and date of study in which the subject participated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Prevention, Treatment, and Rehabilitation Act, Section 503 (21 U.S.C. 1193) and Public Health Service Act, Section 301(a) (42 U.S.C. 241(a)).

PURPOSE(S):

The primary purpose of this system is to support research on the pharmacokinetics of drugs of abuse. The term "pharmacokinetics" refers to the

manner in which the human body processes a drug.

The clinical investigator uses data of a medical nature that is contained in the system to make determinations regarding drug dosages and/or radiochemical exposures appropriate to the individual human subject-participants, in order to preserve and protect the health of each. The system also provides base-line data for studying the drug effects.

The Food and Drug Administration (FDA) also may use the records in routine inspections FDA conducts in accordance with its responsibilities to develop standards on the composition, quality, safety, and efficacy of drugs administered to humans, and to monitor experimental usage of drugs.

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

1. We may disclose to a congressional office the record of an individual in response to a verified inquiry from the congressional office made at the written request of the individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity, (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be disclosed to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of the activities of PHS and its contractors in regard to such individual.

3. The School of Medicine of the University of North Carolina, an ADAMHA contractor, uses the records in this system to accomplish the research purpose for which the records are collected. The contractor is required to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

The contractor maintains the records on paper in file folders.

RETRIEVABILITY:

The contractor indexes and retrieves the records by the subject-participant's name.

SAFEGUARDS:

The contractor keeps all records in a locked metal file cabinet in premises with limited accessibility. Only the clinical investigator has the key to the locked files. Only authorized contract personnel can see or use the records. Persons other than subject-participants, who request individually identifiable data from a record, must provide written consent from the subject-participant permitting the requested disclosure. The only exception would be for disclosure to persons or organizations permitted by the Privacy Act, Section 3(b) to obtain personally identifiable data. These safeguards are in accordance with the DHHS Chapter 45-13 and supplementary Chapter PHS.hf:45-13 in the General Administration Manual. In addition, the contract staff complies with contractor's (School of Medicine of the University of North Carolina) standard procedures for safeguarding data.

RETENTION AND DISPOSAL:

The records will be kept no later than October 1987 (five years after the anticipated completion of the studies). At that time, the clinical investigator will authorize the shredding or burning of the records.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Pharmacokinetic Studies on Drugs of Abuse (Contract No. 271-80-3705), Division of Research, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 9-42, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, an individual should provide a written request with notarized signature to: Research Physician for NIDA's Contract No. 271-80-3705 Pharmacokinetic Studies on Drugs of Abuse School of Medicine University of North Carolina Chapel Hill, North Carolina 27514

Provide the following information: Subject-participant's full name and a letter of request (or permission, if the

requester is not the subject-participant) with notarized signature of the individual who is the subject of the record, approximate date(s) of experiment(s) in which the individual participated, and drug name (if known). In addition, an individual who requests notification of, or access to, a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its content at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

The subject-participants and the contractor personnel conducting the research studies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0039.

SYSTEM NAME:

Drug Abuse Treatment Outcome Prospective Study (TOPS), HHS/ADAMAHA/NIDA

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Computer Applications Center, Research Triangle Institute, Box 12194, Research Triangle Park, North Carolina 27709.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary adult clients of federally-funded treatment programs, including Treatment Alternative Street Crime (TASC) programs of the Department of Justice, who have requested to be included in TOPS. Data collection began in 1979 and will continue through 1984.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories are: demographic data, treatment outcome data, treatment process data, client locator information, and personal identifiers (name and assigned numerical identifier).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Prevention, Treatment, and Rehabilitation Act, Section 503 (21 U.S.C. 1193); Public Health Service Act, Section 301(a) (42 U.S.C. 241(a)).

PURPOSE(S):

The purpose of the system is to compile information on drug abusers who obtain treatment in federally-funded drug abuse treatment programs in order to derive information on the effectiveness of treatment environments and abusers' behavior and characteristics subsequent to treatment. Researchers and drug abuse service providers may use the aggregate data to address issues and generate hypotheses to understand better the interactions among the client, clinic, and community.

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

1. Within the restrictions set forth in HHS regulations concerning the confidentiality of drug abuse patient records (42 CFR 2.56), we may disclose a record for a research purpose, when the Department: (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (c) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except: (A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit.

or (D) when required by law; (d) has secured a written statement attesting to the recipient's understanding of, and willingness to, abide by these provisions.

2. The Research Triangle Institute, an ADAMHA contractor, uses the records in this system to accomplish the research purpose for which the records are collected. In the event of followup studies or continuation studies because the contract has been terminated for convenience by the Government, we may disclose records in this system to a subsequent ADAMHA contractor. We would require the new contractor to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

Interview forms, magnetic tapes, and disks.

RETRIEVABILITY:

Records are indexed and retrieved by name and unique numerical identifier. In order to relate the data collected to specific individuals, one must use the link file discussed under Safeguards.

SAFEGUARDS:

We used the National Bureau of Standards guidelines and Part 6, HHS ADP Systems Manual, "ADP Systems Security" in developing the computer safeguard procedures which follow. Safeguards for nonautomated records are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual. In addition, project staff complies with the contractor's (Research Triangle Institute) standard procedures for safeguarding data.

The contractor provides only aggregate information to NIDA. We do not anticipate any disclosure of individually identifiable information to other persons or organizations within the Department of Health and Human Services. Nor does the contractor provide individually identifiable information to the Department of Justice, with which NIDA has a cooperative agreement for this study.

The data management task leader, the project leader, or the project director provide technical supervision of all data collection and processing activities. Individually identified forms are stored in a secure, vault-like room provided for this purpose. Authorized personnel have access to the room by one locked door with controlled entry, i.e., only on the

written authority of the professional staff member in charge.

Because some of the data collected in this study, such as data on drug use, are sensitive and confidential, special safeguards have been established. A Certificate of Confidentiality has been issued under 42 CFR Part 2a. This authorization enables persons engaged in research on mental health, including research on the use and effect of psychoactive drugs, to protect the privacy of research subjects by withholding the names or other identifying characteristics from all persons not connected with the conduct of the research. Persons so authorized may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals. In addition, these records are subject to 42 CFR Part 2, the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56), which state: "Where the content of patient records has been disclosed pursuant to (these regulations) for the purpose of conducting scientific research... information contained therein which would directly or indirectly identify any patient may not be disclosed by the recipient thereof either voluntarily or in response to any legal process whether Federal or State."

Another safeguard is that the forms containing subject identification information for client followup and data matching purposes do not include any reference to the purpose of the study. Identification and location information is kept separate from any information that would suggest that the respondent has been in a drug treatment program.

Information on completed forms is entered immediately on the computer. Computerized records are kept in a vault area with access limited as above. Completed forms and computerized data are released only to authorized persons. Only aggregate data are provided and used in the preparation of necessary and appropriate reports.

A link file system is used. This system has three components: (1) personal information, (2) data base information, and (3) the link file, which contains identifying number pairs which can be used to match data with individuals. The advantage of this system is that the data-base can be used directly for report generation, etc., without the use of decrypting subroutines or access to the personal information or matching link files.

In addition, the computer center being utilized has developed an extensive security system to protect computer account codes and data. This system is

described in a publication that is available from the System Manager upon request.

RETENTION AND DISPOSAL:

The contractor destroys interview forms by shredding or burning immediately after contractor staff have completed and verified direct entry on magnetic tape or disk storage. The contractor will destroy individual identification and location data by shredding or burning, under the explicit written authorization of the System Manager, at the termination of the study. We will retain aggregate data tapes for research purposes. These tapes will not have any individually identifiable information. In accordance with the ADAMHA Records Control Schedule, these tapes will be retained for five years after completion of the project. At that time, the tapes will be retired to the Federal Records Center and destroyed when they are 10 years old or when they are no longer needed for research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Treatment Outcome Prospective Study (TOPS), Clinical-Behavioral Branch, Division of Research, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 9-21, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself/herself upon written request, with notarized signature. The request should include, if known, name of the researcher, location of the research site, approximate date of data collection, any alias used, and subject identification number.

An individual who requests notification of a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

Persons other than subject individuals, who request individually identifiable data from a record must provide written consent from the subject individual permitting the requested disclosure. The only exception (if not in conflict with confidentiality regulations)

would be for disclosure to persons or organizations permitted by the Privacy Act, Section 3(b), to obtain personally identifiable data.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Research subjects, and staff in participating drug abuse treatment programs, written clinical evaluations, counselors, psychiatrists, psychotherapists, family members, research assistants, hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

09-30-0041

SYSTEM NAME:

Subject-Participants in a Drug Abuse Research Study on Naltrexone, HHS/ADAMAHA/NIDA

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, New York 11530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary adult clients of federally-funded and other drug abuse treatment programs who have requested to receive naltrexone as part of their treatment. Data collection began in 1977 and will continue through 1983.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic data, treatment outcome data, treatment process data, client locator information, and personal identifiers (name and assigned numerical identifier).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Prevention, Treatment and Rehabilitation Act, Section 503 (21 U.S.C. 1193); Public Health Service Act, Section 301(a) (42 U.S.C. 241(a)).

PURPOSE(S):

1. To provide data required by the Food and Drug Administration (FDA) for a new drug application for naltrexone. FDA may also use the records in a form which does not identify individuals in routine inspections FDA conducts in accordance with its responsibilities to

develop standards on the composition, quality, safety, and efficacy of drugs administered to humans, and to monitor experimental usage of drugs.

2. To record the changes in the behavior and characteristics of drug abusers who receive naltrexone as part of their treatment regimen, in order to compile information on the effectiveness of naltrexone in various treatment environments and modalities.

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

Endo Laboratories, an ADAMAHA contractor, uses the records in the system in order to accomplish the research purposes for which the records were collected. In the event of a followup study or continuation study because the contract has been terminated for convenience by the Government, the contractor may disclose records in this system to a subsequent ADAMAHA contractor. The new contractor would be required to maintain Privacy Act safeguards with respect to such records and to comply with the confidentiality restrictions of 42 CFR Part 2.

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

STORAGE:

Interview forms, magnetic tapes and disks in closed cabinets in a locked room with limited accessibility.

RETRIEVABILITY:

The records are indexed and retrieved by subject-participant's name and unique numerical identifier. In order to relate the data collected to specific individuals, however, the contractor uses the link file discussed under Safeguards.

SAFEGUARDS:

The safeguards which follow are in accordance with the DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the HHS General Administration Manual and Part 6, "ADP System Security" in the HHS ADP Systems Security Manual.

Physical Security: The contractor stores individually identified forms in a locked room with controlled entry; i.e., only on the written authority of the professional staff member in charge of data handling and processing operations. The contractor staff enter the collected information onto computer tape or disks as soon after contact with the subject-participant as possible, and store the computerized records in a secured area with access limited as above.

Another safeguard is that the forms containing subject identification information do not include any reference to the purpose of the study. The contractor keeps identification information separate from any information that would suggest that the respondent is or has been in a drug abuse treatment program. In addition, the computer center being utilized has developed an extensive security system to protect computer account codes and data.

Technical Security: Access to the computerized records is protected by a computerized password routine which is changed periodically. In addition, the project staff complies with the contractor's (Endo Laboratories, Inc.) standard procedures for safeguarding data. The link file system that identifies individuals with personal data has three components: (1) identification information, (2) data base information, and (3) the link file, which contains identifying number pairs which match data with individuals. The advantage of this system is that one may use the baseline data directly for report generation, etc., without using the subroutines or accessing the personal information or link files.

Administrative Security: The data management task leader, the project leader, or the project director provide technical supervision of all data collection and processing activities. Only authorized contract staff have access to the records (computerized and hard copy files) in the system. The contractor provides only aggregate data in reports to NIDA, FDA, or the public. Protection of Identity--Research Subjects. This authorization enables persons engaged in research on mental health, including research on the use and effect of psychoactive drugs, to protect the privacy of research subjects by withholding the names or other identifying characteristics from all persons not connected with the conduct of the research. Persons so authorized may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals. These regulations do not prohibit voluntary disclosure by the researcher. However, the records also are subject to 42 CFR Part 2, the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations (42 CFR 2.56), which state: "Where the content of patient records has been disclosed pursuant to [these regulations] for the purpose of conducting scientific research * * * information contained therein which would directly or

indirectly identify any patient may not be disclosed by the recipient thereof either voluntarily or in response to any legal process whether Federal or State."

The contractor's Institutional Review Board has reviewed and approved the safeguards described above in accordance with 45 CFR Part 46 on the protection of human subjects.

RETENTION AND DISPOSAL:

The contractor staff destroys interview forms by shredding or burning immediately after they complete direct entry on magnetic tape or disk storage and verify the information. The contractor will destroy individual identification and link files by shredding or burning at the termination of the study in 1983 under the explicit written authorization of the System Manager. NIDA will retain the aggregate data tapes for research purposes. These tapes will not have any individually identifiable information. In accordance with the ADAMHA Records Control Schedule, the aggregate tapes will be retained for five years after the completion of the project. At that time, the tapes will be retired to the Federal Records Center and destroyed when they are 10 years old or when they are no longer needed for research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Naltrexone Study, Clinical-Behavioral Branch, Division of Research, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Room 9-21, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

An individual may determine if a record exists about himself/herself upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, to the System Manager at the address above. The following information should be included, if known: subject-participant's full name and a letter of request with notarized signature of the subject-participant of the record, any alias used, subject-participant's identification number, name of the researcher, and approximate date of study participation.

An individual who requests notification of a medical record shall, at the time the request is made, must designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Research subject-participants, staff in the participating drug abuse treatment programs, written clinical evaluations, private physicians, counselors, psychiatrists, psychotherapists, family members, research assistants, and hospital records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

09-30-0045

SYSTEM NAME:

Respondents in a Validity/Reliability Study of Self-Reported Drinking, HHS/ADAMHA/NIAAA

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

CSR, Incorporated, 805 15th Street, N.W., Suite 500, Washington, D.C. 20005, Parklawn Computer Center, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adult volunteers selected in Baltimore, Maryland; Chicago, Illinois; and Greensboro, North Carolina.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms collected during the period from approximately May 1 to June 30, 1982, containing: (1) personal history, such as age, date of birth, education, race, national origin, sex, marital status; and (2) information on drinking experience, such as type and amount of alcoholic beverage(s) consumed, reasons for not drinking, frequency of consumption, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 4591, Section 501 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

PURPOSE(S):

The system will contain individuals' responses to questions on alcohol consumption. The National Institute on Alcohol Abuse and Alcoholism (NIAAA) will evaluate the questions for use in a supplement to the 1983 National Health Interview Survey (NHIS) and the Hispanic Health and Nutrition Examination Survey (HHANES). The purpose of the system will be to develop a body of data on alcohol consumption; rather, NIAAA will analyze the response data to determine the quality of the questions. Within the Department of Health and Human Services (DHHS), nonidentifiable information will be transmitted to the National Center for Health Statistics (NCHS) because that agency is responsible for NHIS and for HHANES.

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

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from a congressional office made at the written request of that individual.

2. The contractor may make disclosures either to other ADAMHA contractors or to any of its subcontractors in the conduct of the study and in the preparation of scientific reports in order to accomplish the research purpose for which the records are collected. Such recipients will be required under contract provision to maintain Privacy Act safeguards.

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

STORAGE:

Records will be on paper as data collection forms, computer coding sheets, and a cross-reference list, and will be maintained in file folders. Records will also be on computer tapes, identified by number only. (See section 4 below for retention and disposal procedures).

RETRIEVABILITY:

The contractor will index and retrieve records by name of respondent. The contractor will assign a unique identification number to each individual's record to track it through coding, keypunching, and processing; and will maintain a separate name/number cross-reference list until contractor staff has completed computer processing.

SAFEGUARDS:

The safeguards listed below are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual, and Part 6, "ADP System Security", in the HHS ADP Systems Manual.

Physical Security: The contractor will store paper records in metal cabinets with cipher locks in offices that will be locked when unattended. Federal Government employees will maintain data on computer tapes in accordance with the established security measures of the Parklawn Building. (The computerized records will be identified temporarily by number, but the contractor will retain the name/number cross-reference list.)

Technical Security: Computerized records are password protected. When the record identification numbers are no longer needed, a computer edit routine to delete the numbers will be used so that records will no longer be traceable to specific individuals.

Administrative Security: The contractor will specifically train staff interviewers to maintain the confidentiality of the nature of the data they will be collecting. Subjects' participation in the study will be voluntary. Subjects will read and sign informed consent forms which cite the Privacy Act and describe the subsequent routine use(s) which may be made of the data before contractor staff collects any information. The contractor

will provide to NIAAA individual records in computer tapes, stripped of personal identifiers. Only authorized contractor staff will have access to personally identified data, including the name/number cross-reference list. Contractor staff will destroy paper records so that remaining computerized records will not be personally identifiable. In addition, personally identifiable data disclosed to other ADAMHA contractors or to any of its subcontractors in the development of scientific reports in conjunction with the intent of the research study will be required under contract provision to be protected by the safeguard procedures noted above.

RETENTION AND DISPOSAL:

Contractor staff will destroy original forms, computer coding sheets, and the cross-reference list by shredding; and will use a computer edit routine to eliminate the unique identification numbers on the computerized records as soon as they have completed the transfer of data to computer tapes. We expect this to occur not later than 60 days after completion of the data collection phase of the study. Remaining records will not be personally identifiable.

SYSTEM MANAGER(S) AND ADDRESS:

Project Officer, Validity/Reliability Study of Self-Reported Drinking, National Institute on Alcohol Abuse and

Alcoholism, 5600 Fishers Lane, Room 16C-16, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, contact the contractor: Project Manager, Validity/Reliability Study of Self-Reported Drinking, CSR, Incorporated, 805 15th Street, N.W., Suite 500, Washington, D.C. 20005.

Requesters should provide verifiable proof of identity—such as notarized original signature—for mail requests, inquiries, and responses; or driver's license with picture for in-person inquiries and requests.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address above and reasonably identify the record, specify the information being contested, and state the corrective action being sought, with supporting justification.

RECORD SOURCE CATEGORIES:

The subject individuals are the sole source of the information in the records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82- Filed 10-12-82; 8:45 am]

BILLING CODE 4160-20-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Centers for Disease Control, HHS.

ACTION: Privacy Act; Annual republication of notices of systems of records.

SUMMARY: The Centers for Disease Control (CDC) is publishing this document to meet the requirement of the Privacy Act (5 U.S.C. 552a(e)(4)) to publish at least once a year a notice describing the existence and character of each system of records.

This publication describes systems of records maintained by CDC and its organizational components, including the National Institute for Occupational Safety and Health (NIOSH). Many of the notices which were published in the 1981 annual compilation have been modified to clarify the descriptions and to ensure that they are complete, accurate, and timely. None of these changes requires a report of altered system to be sent to the Congress and the Office of Management and Budget. The notices are complete and accurate as of August 16, 1982.

SUPPLEMENTARY INFORMATION: These notices include several changes which have been made since the 1981 annual publication.

A. Deleted system of records: NIOSH has deleted system 09-20-0082, Diagnosis of Occupational Disease by Analysis of Body Fluids or Tissues through Biochemical or Clinical Chemical Analysis.

B. Clarification of routine use: A routine use has been clarified in systems 09-20-0106 and 09-20-0107 to show that these systems have become operational with regard to disclosure to private firms for data processing. Previously this routine use was worded in the future tense. The change is in wording only. It does not involve any change in the scope of the routine use as originally published in the *Federal Register*.

Additional disclosures without consent of subject individuals are permitted by the Privacy Act itself in Section 3(b), as follows:

(1) To those officers and employees of the agency which maintains the record who have a need for the records in the performance of their duties;

(2) Required under section 552 of this title (the Freedom of Information Act);

(3) For a routine use as (described in the routine use section of each specific system notice);

(4) To the Bureau of the Census for purpose of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is not to be individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

C. Other revisions: CDC has revised its systems notices this year to enhance clarity and specificity, as well as to incorporate normal updating changes, such as changes in the designated system manager and system location. The revisions include but are not limited to the following:

1. Addition to the Notification Procedure or Access Procedure section of the system explains the specific information which the system manager needs in order to verify that the subject individual is who he or she claims to be, in addition to the information needed in order to locate the records being sought.

2. Clarification of the Purpose section provides a more explicit description of the facts on which the system was established.

3. *Specific information:* The Contesting Records Procedures section in all system notices has been amended as follows:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information

being contested, and state the corrective action sought, with supporting justification.

4. The System Location section has been clarified in systems 09-20-0083, 09-20-0117, 09-20-0118, 09-20-0147, 09-20-0148, 09-20-0149, 09-20-0150, 09-20-0151, 09-20-0152, 09-20-0153, 09-20-0154, 09-20-0155, and 09-20-0159 to more accurately describe the sites at which the records are located. The section is amended as follows:

Also, occasionally data may be located at the facilities of collaborating researchers where analyses will be performed, data collected, and reports written. A list of these facilities will be available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program, and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

Readers who notice any inadvertent errors or omission in CDC system notices are invited to bring them to the attention of: Sara S. Owens, Privacy Act Officer, CDC, Centers for Disease Control, 1600 Clifton Road, Bldg. 1, Room B-68, Atlanta, Georgia 30333.

Dated: July 29, 1982.

James D. Bloom,

Executive Officer, Centers for Disease Control.

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09-20-0000

SYSTEM NAME:

Cooperative Mycoses Study. HHS/CDC/OCD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children who were infected with histoplasmosis, blastomycosis, coccidioidomycosis, aspergillosis, and other miscellaneous fungal infections, and who participated in the cooperative mycoses study conducted between 1947 and 1973 at the former CDC Kansas City Field Station, Ecological Investigations Division, Kansas City, Kansas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

The study was to evaluate the treatment of systemic fungal diseases by the U.S. Public Health Service and clinicians in selected hospitals and sanatoriums.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective

defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

All records stored in file folders and approved FRC boxes at the Federal Records Center.

RETRIEVABILITY:

Records are indexed and retrieved by name.

SAFEGUARDS:

Electronic Anti-Intrusion Devices are in operation at the Federal Records Center (FRC). Only FRC Officials, the CDC Records Officer, and the System Manager are authorized to have access to the records. These safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are maintained at the Federal Records Center for 16 years and are then destroyed by recycling process, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, International Health Program Office, Centers for Disease Control, Bldg. 1, Room 224, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requests in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretense is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom

the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual medical records of patients in participating hospitals and sanatoriums.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BILLING CODE 4160-18-M

09-20-0001

SYSTEM NAME:

Certified Interpreting Physician File. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Data are also occasionally located at contractor sites as studies are developed, data collected, and reports written. A list of contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians who have been certified to interpret x-rays under the Federal Coal Mine Health and Safety Act of 1969.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physician's qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Coal Mine Health and Safety Act Section 203(30 U.S.C. 843).

PURPOSE(S):

The main purpose is to provide certified physicians to read x-rays. Data is provided to the Social Security Administration to be used in approving Title IV benefits under the Act.

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

Name and address supplied to coal operators and x-ray facilities so that they may contact physicians to do work for them.

Name, address and Social Security number supplied to Department of Labor to be used in approving Title IV Benefits under the Act.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claims, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an

employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Computer printouts, microfilm, computer tape, computer disk.

RETRIEVABILITY:

Name or social security number is the index used to retrieve records. Social security numbers which are supplied on a voluntary basis are used for retrieval.

SAFEGUARDS:

24-hour guard service in building
Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets
Computer tapes are password protected
Computerized records are protected by personnel screening, locked computer room, locked tape vaults, and lack of telecommunications.

RETENTION AND DISPOSAL:

Records are retained indefinitely unless disposal of a record is requested by the individual physician. Disposal methods include erasing computer tapes and burning or shredding printouts.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review

the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0027

SYSTEM NAME:

Radiation Exposure Records for NIOSH Employees. HHS/CDS/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Safety Research (DSR), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505

Division of Technical Services (DTS), NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226

Data are also occasionally located at contractor sites, as studies are developed, data collected, and reports written. A list of contractor sites, where individually identifiable data is currently located, is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past NIOSH employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, x-ray exposure levels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 19 (29 U.S.C. 668).

PURPOSE(S):

The purpose of this system is to maintain x-ray exposure records to prevent toxic exposure to harmful rays.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities to the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provide such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Manual files.

RETRIEVABILITY:

Name is the index used to retrieve records from this system.

SAFEGUARDS:

24-hour guard service in building
Locked building; locked rooms
Personnel screening
Locked file cabinets

RETENTION AND DISPOSAL:

Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Physicist, Office of the Director, DSR, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505
Industrial Hygienist, OAMS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DSR, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide

the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contract the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0055

SYSTEM NAME:

Research/Demonstration, and Training Grants, and Cooperative Agreements Application Files. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Research Grants, NIH, Westbaird Bldg., Westbaird Ave., Bethesda Maryland, 20014
Grants Administration and Review Branch, National Institute for Occupational Safety and Health (NIOSH), Parklawn Bldg., Rm. 8-63, 5600 Fishers Lane, Rockville, Maryland 20857
Division of Training and Manpower Development, NIOSH, 4676 Columbia Pkwy., Cincinnati, Ohio 45226
Grants Management Officer, NIOSH, Parklawn Bldg., Rm. 8-35, 5600 Fishers Lane, Rockville, Maryland 20857
Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409

Data are also occasionally located at grantee sites as studies are developed, data collected, and reports written. A list of grantee sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for occupational safety and health research and demonstration grants, and training grants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Draft and final grant application and review history, awards, financial

records and progress reports and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act, Sections 20 and 21 (29 U.S.C. 669, 670).

PURPOSE(S):

The purpose of this system is to review grant applications for research and training and to administer funded grants. This information is provided to the National Institutes of Health and to components of NIOSH for review.

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

Referrals may be made of assignments of research investigators and project monitors on specific research projects to the National Technical Information Service (NTIS), Department of Commerce, to contribute to the Smithsonian Science Information Exchange.

To the cognizant audit agency for auditing.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

To qualified experts not within the definition of Department employees as prescribed in Department regulations for opinions as a part of the application review process.

To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

To individuals and organizations deemed qualified by PHS to carry out specific research related to the review and award processes of PHS.

To the grantee institution relative to performance or administration under the terms and conditions of the award.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigation proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

5x8 cards, computer tapes and discs, notebooks and file folders.

RETRIEVABILITY:

Name is the index used to retrieve information.

SAFEGUARDS:

The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator assigned to the project, project officer).

Computerized records are protected by personnel screening, password protection, locked computer rooms, and locked tape vaults.

RETENTION AND DISPOSAL:

Information is kept for one year beyond termination and then sent to the Federal Records Center for five years, after which it is destroyed. Unfunded applications are treated in the same manner. Draft applications are kept for one year or until an official application is received and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Grants Section, Procurement and Grants Management Branch, (PGMP), Office of Administrative and Management Services, (OAMS), National Institute for Occupational Safety and Health, (NIOSH), Room 8-33,

5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: Chief, PGMB, OAMS, NIOSH, Room 8-29, 5600 Fishers Lane, Rockville, Maryland 20857.

RECORD ACCESS PROCEDURE:

Contact the System Manager. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0059

SYSTEM NAME:

Division of Training Mailing List. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Training and Manpower Development (DTMD), National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, Cincinnati, Ohio 45226
Parklawn Computer Center, 5600 Fishers Lane, Rockville, Maryland 20857

Data are also occasionally located at contractor sites as studies are developed, data collected, and reports written. A list of contractor sites where individually identifiable data is currently located is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have taken a NIOSH Training Course or who ask to be placed on the list.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act, Section 21 (29 U.S.C. 670).

PURPOSE(S):

The purpose of this system is to advise prospective students of upcoming NIOSH training course.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

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

STORAGE:

Computer tapes, addressograph plates.

RETRIEVABILITY:

Name and Student Number are the indexes used to retrieve records from this system.

SAFEGUARDS:

24-hour guard service in building
Locked building; locked rooms
Personnel screening
Locked file cabinets
Locked computer room and computer tape vaults; password protection on computerized files.

RETENTION AND DISPOSAL:

Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Audio Visual Production Officer, DTMD, NIOSH, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: Director, DTMD, NIOSH, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0083

SYSTEM NAME:

Diagnostic Methods for Identification of Occupational Diseases through Biopsy and/or Autopsy Specimens. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Biomedical and Behavioral Science (DBBS), National Institute for Occupational Safety and Health (NIOSH), Robert A Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Industrial workers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records, and information necessary to interpret the medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

PURPOSE(S):

The purpose of this system is to diagnose occupational diseases by tissue examination and analysis.

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

Test results are furnished to the physician who requests analysis.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State, or local agency. Cause of death enables NIOSH to evaluate whether excess occupationally related mortality is occurring.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or

her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claims are based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

Manual files.

RETRIEVABILITY:

Name or code is used to retrieve records from this system.

SAFEGUARDS:

Building guards.
Personnel screening.
Computerized records are protected by locked computer rooms locked tape vaults, and password protection.

RETENTION AND DISPOSAL:

Record copy maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study as determined by the System Manager, and as provided in the signed consent form, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Pathology Section, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures

above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Private and industrial physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I

Potential Sources for Determination of Vital Status
Military Records
Appropriate State Motor Vehicle Registration Departments
Appropriate State Drivers License Departments
Appropriate State Government Divisions of: Assistance Payments (Welfare), Social Services, Medical Services,
Food Stamp Program, Child Support, Board of Corrections, Aging,
Indian Affairs, Workman's Compensation, Disability Insurance
Veterans' Administration Files
Appropriate Employee Union or Association Records
Appropriate Company Pension or Employment Records
Company Group Insurance Records
Appropriate State Vital Statistics Offices
Life Insurance Companies
Railroad Retirement Board
Area Nursing Homes
Area Indian Trading Posts
Mailing List Correction Cards (U.S. Postal Service)
Letters and Telephone Conversations With Relatives
Letters and Telephone Conversations With Former Employees of the Same Establishment as Cohort Member
Appropriate Local Newspaper (Obituaries)

BILLING CODE 4160-90-M

09-20-0086

SYSTEM NAME:

Surveillance of Persons on Isoniazid Preventive Treatment for Tuberculosis. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Tuberculosis Control Division, Freeway Office Park, Rm. 127, Centers for Disease Control, Atlanta, Georgia 30333
and
Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Children and adults who received isoniazid preventive therapy for tuberculosis in the following local and county health departments during the

period July 1971-Dec 1973: Mobile, Birmingham, San Francisco, Honolulu, New Orleans, Detroit, Albuquerque, Buffalo, Columbus, Ohio, Baltimore, Cincinnati, Cleveland, Tulsa, Bristol, Pa., Nashville, Richmond, Memphis, San Diego, Ft. Lauderdale, Toledo.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records including history and physical examination, laboratory test results, x-ray results, medications prescribed, alcohol intake, smoking habits, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To monitor the incidence of overt liver disease in widely scattered geographic areas, among individuals receiving preventive therapy with isoniazid manufactured by different companies.

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

Records may be disclosed to health departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Cards and file folders are stored in boxes in the Federal Records Center.

Computer tapes are stored in a fireproof vault.

RETRIEVABILITY:

Retrieved by the participant's name and study I.D. number.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel i.e., medical officer, project manager, computer specialists, statistician, and statistical assistant. These particular safeguards are established as appropriate for the type of records used by CDC program personnel in the surveillance project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 15 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division, Freeway Park Building, Room 111, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's

medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

State and local health departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0087

SYSTEM NAME:

Surveillance of Inadvertent Vaccination during Pregnancy. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Immunization Division, Building 6, Room 243, Centers for Disease Control, Atlanta, Georgia 30333
and
Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Women who were vaccinated against rubella immediately preceding pregnancy or accidentally vaccinated during pregnancy. Included in the records system are minors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical Histories

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, 361 (42 U.S.C. 244, 264).

PURPOSE(S):

To maintain surveillance of pregnant women who received live virus vaccines in order to determine the impact of such vaccinations upon their health status.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders and computer tapes.

RETRIEVABILITY:

Records are retrieved by identifying code number.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel i.e., medical officer, project manager, computer specialists, statistician, and statistical assistant. These particular safeguards are established as appropriate for the type of records used by CDC program personnel in the surveillance project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records

Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Building 1, Room 3007, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0088

SYSTEM NAME:

Subacute Sclerosing Panencephalitis Surveillance. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Immunization Division, Building 6,
Room 243, Centers for Disease Control,
Atlanta, Georgia 30333.
and
Federal Records Center, 1557 St. Joseph
Avenue, East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients, including adults and
children, with diagnosis SSPE.

CATEGORIES OF RECORDS IN THE SYSTEM:

Epidemiological and clinical histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301
(42 U.S.C. 241).

PURPOSE(S):

To understand better the disease of
panencephalitis among persons who
have received vaccination against
measles.

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

Disclosure may be made to a
congressional office from the record of
an individual in response to an inquiry
from the congressional office made at
the request of that individual.

In the event of litigation where the
defendant is (a) the Department, any
component of the Department, or any
employee of the Department in his or
her official capacity; (b) the United
States where the Department determines
that the claim, if successful, is likely to
directly affect the operations of the
Department or any of its components; or
(c) any Department employee in his or
her individual capacity where the
Justice Department has agreed to
represent such employee, the
Department may disclose such records
as it deems desirable or necessary to the
Department of Justice to enable that
Department to present an effective
defense, provided such disclosure is
compatible with the purpose for which
the records were collected.

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

Computer tapes are maintained in
locked vault.

RETRIEVABILITY:

Records are retrieved by identifying
code number.

SAFEGUARDS:

Locked buildings, locked rooms,
personnel screening, locked computer
rooms and tape vaults, password
protection of computerized records,
limited access to only authorized
personnel i.e., medical officer, project
manager, computer specialist,
statistician, and statistical assistant.
These particular safeguards are
established as appropriate for the type
of records used by CDC program
personnel in the surveillance project.
For computerized records, safeguards
are in accordance with HHS/ADP
System Security Manual, Part 6. The
safeguard described for nonautomated
records are in accordance with Chapter
45-13 in the General Administration
Manual, and the supplementary PHS
chapter.

RETENTION AND DISPOSAL:

Number years held at CDC: 10 years.
May be transferred to Federal Records
Center when no longer needed for
evaluation and analysis. Destroyed by
paper recycling process after 20 years,
unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention
Services, Building 1, Room 3007, Centers
for Disease Control, Atlanta, Georgia
30333.

NOTIFICATION PROCEDURES:

An individual may learn if a record
exists about himself or herself by
contacting the System Manager at the
address above. Requesters in person
must provide driver's license or other
positive identification. Individuals who
do not appear in person must either (1)
submit a notarized request to verify
their identity or (2) must certify that they
are the individuals they claim to be and
that they understand that the knowing
and willful request for or acquisition of
a record pertaining to an individual
under false pretenses is a criminal
offense under the Privacy Act subject to
a \$5,000 fine.

In addition, an individual who
requests notification of, or access to, a
medical record shall at the time the
request is made, designate in writing a
responsible representative who will be

willing to review the record and inform
the subject individual of its contents at
the representative's discretion.

A parent or guardian who requests
notification of, or access to, a child's
medical record shall designate a family
physician or other health professional
(other than a family member) to whom
the record, if any, will be sent. The
parent or guardian must verify
relationship to the child by means of a
birth certificate or court order, as well
as verify that he or she is who he or she
claims to be.

Finally, all of the following
information must be provided when
requesting notification: (1) Full name; (2)
approximate date(s) of the contact(s)
with the Centers for Disease Control
representative; (3) nature of the
questionnaire or study in which the
requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures.
Requesters should also reasonably
specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address
specified under System Manager above
and reasonably identify the record,
specify the information being contested,
and state the corrective action sought,
with supporting justification.

RECORD SOURCE CATEGORIES:

Private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0089

SYSTEM NAME:

Studies of Treatment of Tuberculosis
and other Mycobacterioses. HHS/CDC/
CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Tuberculosis Control Division, Freeway
Park Building, Rooms 145-149, Centers
for Disease Control, Atlanta, Georgia
30333
and
Federal Records Center, 1557 St. Joseph
Avenue, East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children with tuberculosis
or other mycobacterial disease being
treated or observed by participating
local or county health departments,
clinics, and hospitals. (From 1959 until
the present time).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To determine the effectiveness and safety of treatments for tuberculosis and other mycobacterial disease is the purpose of the system. Data are used in statistical, aggregate form only.

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

Records may be disclosed to health departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

A record may be disclosed for a research purpose, when the department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Has secured a written statement attesting to the recipient's

understanding of, and willingness to abide by these provisions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Cards and file folders are stored in file cabinets or boxes. Magnetic computer tapes are stored in a fireproof vault.

RETRIEVABILITY:

Records are retrieved by the participant's name and study I.D. number.

SAFEGUARDS:

Locked building, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., project managers, system analysts, and computer operators. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, these safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records Center when no longer needed for

evaluation and analysis. Destroyed by paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division,
Freeway Office Park, Room 111,
Centers for Disease Control, Atlanta,
Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals, local health departments, hospitals, and clinics.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0090

SYSTEM NAME:

Studies of Testing for Tuberculosis and other Mycobacterioses. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Tuberculosis Control Division/Freeway Office Park, Rooms 137, 142, 127, Centers for Disease Control, Atlanta, Georgia 30333 and

Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Study participants include patients, clientele, and employees of local and county health departments, hospitals, and other institutions currently observing and/or treating cases of tuberculosis and other mycobacterial disease. Participants include adults and children.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To study the diagnostic value of tests used to identify persons infected with *M. tuberculosis* or sensitized by other mycobacteria. These records may also be used by the Food and Drug Administration in conducting research related to Investigational New Drugs (IND).

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

Test results will be returned to the collaborating physician or responsible hospital official.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or

her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Cards, file folders, and computer tapes.

RETRIEVABILITY:

Records are retrieved by name and I.D. number.

SAFEGUARDS:

Locked buildings, locked rooms personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., project managers, system analysts, and computer operators. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division, Freeway Park Building, Room 111, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who

do not appear in person must either: (1) Submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals and hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0093

SYSTEM NAME:

Tuberculosis Preventive Therapy Studies. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Tuberculosis Control Division, Freeway Office Park, Room 142, Centers for

Disease Control, Atlanta, Georgia 30333
and
Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Study participants, including adults and children, who were contacts to tuberculosis patients in Puerto Rico during 1957-1959. Also adults who had inactive tuberculosis during 1960-1964.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To evaluate the safety and effectiveness of preventive tuberculosis therapy using the drug isoniazid.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as its deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Cards, file folders and computer tapes.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password

protection of computerized records, limited access to only authorized personnel, i.e., project managers and program analysts. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter. Departmental security guidelines will be followed.

RETENTION AND DISPOSAL:

Records are maintained at the Federal Records Center for 20 years and are then destroyed by recycling process, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division, Freeway Park Building, Room 111, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either: (1) Submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when

requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Participants and/or family members of participants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0094

SYSTEM NAME:

Studies of Drug Resistant Tuberculosis Cases/Contacts. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Tuberculosis Control Division, Freeway Park Building, Room 137, 142, 127, Centers for Disease Control, Atlanta, Georgia 30333
and
Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

County and local health department patients, including adults and children, for whom routine treatment fails due to the resistance of the organisms to anti-tuberculosis drugs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 30 (42 U.S.C. 241).

PURPOSE(S):

To determine the best measures against drug resistant tuberculosis.

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

Records may be disclosed to health departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the

Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Cards, file folders and computer tapes.

RETRIEVABILITY:

Records are retrieved by I.D. number.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., project manager, program analysts, designated physicians and computer operators. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS Chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division, Freeway Park Building, Room 111, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they

are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

State and local health departments, and laboratories.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0095

SYSTEM NAME:

Varicella Zoster Immune Globulin Records on High Risk Immunosuppressed Children Exposed to Chickenpox. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Immunization Division, Bldg. 6, Rm. 243, CDC, Atlanta, Georgia 30333

and
Federal Records Center, 1557 St. Joseph
Ave., East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

High risk immunosuppressed children (e.g., children whose natural immune response is low) who are exposed to chickenpox.

CATEGORIES OF RECORDS IN THE SYSTEM:

Epidemiological and clinical histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To evaluate measures used against chickenpox.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

The Department is under contract with private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are maintained by the contractors. The contractors are required to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

Cards, file folders, and computer tapes.

RETRIEVABILITY:

Records are retrieved alphabetically by name.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel i.e., medical officer, project manager, computer specialists, statistician, and statistical assistant. These particular safeguards are established as appropriate for the type of records used by CDC program personnel in the surveillance project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 5 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Bldg. 1, Rm. 2047, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, and individual who request notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court orders as well

as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should be reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0096

SYSTEM NAME:

Tuskegee Study of Untreated Syphilis Medical Care Program. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Prevention Services, Bldg. 1, Room 3007, CDC, Atlanta, Georgia 30333
and
Federal Records Center, 1557 St. Joseph Avenue, East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adult participants in the study and their family members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To determine eligibility for medical care for participants and their family members and to maintain status of participants in litigation.

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

A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use of disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Information may be furnished to courts of competent jurisdiction and to attorneys for legal purposes.

Records may be disclosed to health departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United

States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders.

RETRIEVABILITY:

Records are retrieved alphabetically by name.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening. Limited access to only authorized personnel, i.e., management officials and staff who review and approve payments of medical costs. These safeguards are used for all records covered by this system notice. The safeguards described for these nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: Indefinite period, pending completion of litigation. Records may be retired to a Federal Record Center and subsequently disposed of in accordance with CDC's Records Control schedule. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Bldg. 1, Rm 3007, CDC, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of

a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who request notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Participants and family members of participants entitled to medical care; Social Security Administration for Medicare information; and state welfare departments for information on Medicaid.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0097

SYSTEM NAME:

Studies of the Effects of BCG Vaccinations for Tuberculosis, HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children who received BCG vaccinations at county health clinics in Muscogee County, Georgia, Russell County, Alabama, and at the Las Lomas Public Health Clinic in Rio Piedros, Puerto Rico.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records, including skin tests and x-ray results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

To determine the effectiveness and safety of BCG vaccinations for the prevention of tuberculosis.

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

A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Has secured a written statement attesting to the recipient's

understanding of, and willingness to abide by these provisions.

Records may be disclosed to Health Departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Cards and file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Electronic Anti-Intrusion Devices are in operation at the Federal Records Center (FRC). Only FRC Officials, the CDC Records Officer, and the System Manager are authorized to have access to the records. These safeguards are in compliance with GSA Federal Property Management Regulations, Subchapter B—Archives and Records.

RETENTION AND DISPOSAL:

Records are transferred to Federal Records Center when no longer needed for evaluation and analysis. Portions of these records are periodically recalled by CDC officials in connection with related research. Records are destroyed by paper recycling process after 15 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tuberculosis Control Division, Freeway Park Building, Room 111, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contract(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Participants and family members of participants in the Commonwealth of Puerto Rico, Muscogee County, Georgia, and Russell County, Alabama.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0098

SYSTEM NAME:

Congenital Rubella Registry. HHS/
CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Immunization Division, Building 6, Room
243, Centers for Disease Control,
Atlanta, Georgia 30333
and
Federal Records Center, 1557 St. Joseph
Ave., East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with diagnosis of rubella at birth.

CATEGORIES OF RECORDS IN THE SYSTEM:

Epidemiological and clinical histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301
(42 U.S.C. 241).

PURPOSE(S)

To monitor incidence of congenital rubella (e.g., existing at birth but not hereditary) and its relationship to rubella vaccination.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Cards and file folders are stored in lockable file cabinets

RETRIEVABILITY:

Records are retrieved by indentifying code number.

SAFEGUARDS:

Twenty-four hour guard service in buildings, locked buildings, locked rooms, personnel screening. Limited access to only authorized personnel, i.e., project managers and systems analysts. These safeguards, established for the nonautomated records, are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS Chapter.

RETENTION AND DISPOSAL:

Records are transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 20 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Building 1, Room No. 2047, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control

representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0102

SYSTEM NAME:

Alien Mental Waiver Program. HHS/
CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

International Health Information and
Visa Medical Activity, Centers for
Disease Control, Quarantine Division,
Building D, Freeway Office Park,
Room 208, Atlanta, Georgia 30333
and
Federal Records Center, 1557 St. Joseph
Ave., East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Immigrant aliens with waivers of
excludability who are mentally retarded
or who have an attack of insanity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 325
(42 U.S.C. 252); Immigration and
Nationality Act Section 212(g) (8 U.S.C.
1182(g)).

PURPOSE(S):

To comply with the requirements of
Section 212(g) of the Immigration and
Nationality Act, CDC must receive and
maintain medical records on aliens who
apply for waivers of excludability due to
mental retardation or a previous attack
of insanity. CDC uses medical records to
process the initial applications for such
waivers and for periodic medical
surveillance and evaluation of
individual cases.

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

Department of State (DOS) or Immigration and Naturalization Service (INS) obtains initial medical examinations and submits to Quarantine Division of CDC. Final diagnosis returned to submitter. Alien or sponsor furnishes copy of medical file to local health care facility in U.S.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Individual file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening. Limited access to only authorized personnel, i.e., program manager and immediate staff members. These safeguards, established for the nonautomated records, are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Records are held at CDC for 6 years, and are then transferred to the Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 4 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services, Room 3007, Bldg. 1, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers of Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Prior to alien's arrival in the U.S., medical information is submitted by Department of State and/or Justice Department (INS); after arrival, medical reports submitted by medical specialists, schools, or institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0103

SYSTEM NAME:

Alien Tuberculosis Follow-up Program. HHS/CDC/CPS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

International Health Information and Visa Medical Activity Quarantine Division, Building D, Freeway Office Park, Room 208, Centers for Disease Control, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Immigrant Aliens with Tuberculosis.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 325 (42 U.S.C. 252); Immigration and Nationality Act Section 212(g) (8 U.S.C. 1182(g)).

PURPOSE(S):

To provide a record system for the surveillance and periodic medical evaluation of immigrant aliens with tuberculosis.

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

Disclosure may be made to the state health department, the courts or city health department, the private physician or other health care facility that will provide the medical care for the immigrant alien.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Card files and computer tape.

RETRIEVABILITY:

Records are retrieved by name, by year of arrival, and by State of initial settlement in the United States.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening. Limited access to only authorized personnel, i.e., designated members of Quarantine Division and Tuberculosis Division. The safeguards established for these nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Card files held at CDC: 2 years. Destroyed by paper recycling process after 2 years. Computer file maintained 4 years at CDC. Destroyed by erasing tape after 4 years.

SYSTEM MANAGER AND ADDRESS:

Director, Center for Prevention Services, Room 3007, Bldg. 1, CDC, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when

requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information obtained from alien's visa medical documents at port of entry by Quarantine Inspectors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0106

SYSTEM NAME:

Specimen Handling for Testing and Related Data. HHS/CDC/CID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Infectious Diseases, Bldg. 4, Room B35, Centers for Disease Control, Atlanta, Georgia 30333
Epidemiology Program Office, Bldg. 1, Room 5009, Centers for Disease Control, Atlanta, Georgia 30333
San Juan Laboratories, Center for Infectious Diseases, San Juan, Puerto Rico
Center for Prevention Services, Bldg. 1, Room 3007, Centers for Disease Control, Atlanta, Georgia 30333
Division of Hepatitis and Viral Enteritis, Center for Infectious Diseases, Centers for Disease Control, Room 123, 4402 North 7th St., Phoenix, Ariz. 85014
and
Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children whose specimens have been submitted to CDC for testing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of diagnostic tests involving microbiology, clinical chemistry, hematology, immunology, genetics and pathology.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241).

PURPOSE(S):

For documentation of test results which are returned to submitter. Used between specialty units for research purposes; and for epidemiological investigations for epidemic causes, prevention family groupings of diseases, and geographical location of specific diseases; also, used by epidemiologists and researchers in determining drug resistance of specific organisms.

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

A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

To individuals and organizations deemed qualified by the Secretary to

carry out quality assessment, medical audits, and utilization review.

The Department is under contract with private firms for the purposes of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records are maintained by the contractors. The contractors are required to maintain Privacy Act safeguards with respect to such records.

Records may be disclosed to Health Departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored on computer tapes, discs, microfilm and file folders.

STORAGE:

Original Form—file folders; microfilm copies—computer storage.

RETRIEVABILITY:

Retrieved by: name or designated number furnished by the submitter, CDC identifying number, microfilm number.

SAFEGUARDS:

Twenty-four hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to designated scientists, researchers and system managers. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected

as appropriate for the type of records covered by each individual study or specific project. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS Chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 10 years and then destroyed by paper recycling process.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases, Building 1, Room 6007, CDC, Atlanta, Georgia 30333

Director, Epidemiology Program Office, Room 5009, Building 1, CDC, Atlanta, Georgia 30333

Director, San Juan Laboratories, Center for Infectious Diseases, Centers for Disease Control, San Juan, Puerto Rico

Director, Center for Prevention Services, Centers for Disease Control, Building 1, Room 2047, Atlanta, Georgia 30333 and

Director, Division of Hepatitis and Viral Enteritis, Room 123, 4402 North 7th Street, Phoenix, Ariz. 85014

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Persons interested in obtaining diagnostic test results should contact the first system manager listed. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify

relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Approved public health laboratories, Federal medical facilities, some private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0107

SYSTEM NAME:

Dengue and Research Studies. HHS/CDC/CID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

San Juan Laboratories, Center for Infectious Diseases, Centers for Disease Control, San Juan, Puerto Rico and
Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children who participated as patients and controls in these ongoing studies during the past 20 years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic and health behavioral information on individuals in study community.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301(42 U.S.C. 241).

PURPOSE(S):

The record system is used in the evaluation of the control programs for and dengue.

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

A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

To individuals and organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

The Department is under contract with private firms for the purposes of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are maintained by the contractors. The contractors are required to maintain Privacy Act safeguards with respect to such records.

Information transferred to Puerto Rico Health Department.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Stored on computer discs, cards and listings.

RETRIEVABILITY:

Indexed and retrieved by I.D. number.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., project managers, designated researchers, and computer operators. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. For computerized records, these safeguards are established in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 2 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 10 years, unless needed for further study.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases,
Building 1, Room 6007, Centers for
Disease Control, Atlanta, Georgia
30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Directly from participants in the studies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0112

SYSTEM NAME:

CDC Exchange Visitor and Guest Researcher Records. HHS/CDC/OAM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

CDC, Personnel Management Office, Commissioned Corps & Fellow Program Section, Bldg. 1, Room 1042, Centers for Disease Control, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:Visiting Fellows
Visiting Associates
Visiting Scientists
Staff Fellows
Quest Researchers**CATEGORIES OF RECORDS IN THE SYSTEM:**

Applications, request for appointment, bibliography, curriculum vitae, letters of reference.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 207 (g), (h), 208 and 301 (42 U.S.C. 209 (g), (h), 210 and 301).

PURPOSE(S):

This system is utilized by Center officials for the purpose of review of applications and supporting documents in order to award fellowships; and for the determinations regarding salary or stipend increase.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

File folders and computer tapes.

RETRIEVABILITY:

The system is accessed by name of the individual, exchange visitor or guest researcher.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked file rooms, locked computer rooms and tape vaults,

password protection of computerized records, limited access to only authorized personnel. These safeguards are used for all records covered by this system notice. These particular safeguards are established as appropriate for the type of records used by CDC personnel in conducting the Exchange Visitor program. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number years held at CDC: 2. How destroyed: shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Office, Commissioned Corps & Fellow Program, Bldg. 1, Room 1042, CDC, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURES:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought, with supporting justification.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Secured from applicant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0113

SYSTEM NAME:

Epidemic Investigation Case Records. HHS/CDC/CID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:Center for Infectious Diseases, Centers for Disease Control, Atlanta, Georgia 30333
Epidemiology Program Office, Bldg. 1—Room 5009, Centers for Disease Control, Atlanta, Georgia 30333
Center for Prevention Services, Bldg. 1—Room 3007, Centers for Disease Control, Atlanta, Georgia 30333
and
Federal Records Center, 1557 St. Joseph Ave., East Point, Georgia 30344**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Adults and children with communicable disease, their contacts, others with possible exposure and appropriate controls.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories, case reports, line listing, hand sort cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301, 361 (42 U.S.C. 241, 264).

PURPOSE(S)

The records system is used by professional personnel at the Centers for Disease Control for more complete knowledge of the disease/condition in the following ways: (1) An examination of existing files enables investigators to determine areas that have been adequately investigated and to specify those that might be pursued or (2) records may later be examined in the light of future discoveries and proven associations so that relevant data collected at the time of the outbreak may be analyzed and reassessed.

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

These records are considered to be the records of state and/or local health departments and are left with them at the end of the investigations. These health departments may then identify persons with disease and/or others contacted during the investigations to control, prevent, or treat disease, or for follow-up evaluation including collections of appropriate biological specimens. CDC may or may not request duplicate copies of these records for further analysis following completion of the field investigation. Private physicians may also be supplied pertinent medical information from these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders and on computer tape.

RETRIEVABILITY:

Retrieved alphabetically by name.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. Departmental security guidelines will be followed. For computerized records, safeguards are in accordance with HHS/ADP systems Manual, Part 6. These safeguards, described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS Chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 4 years. May be transferred to Federal Records Center when no longer needed for evaluation and analysis. Destroyed by paper recycling process after 16 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases, Bldg. 1, Rm 6007, Centers for Disease Control, Atlanta, Georgia 30333.

Director, Epidemiology Program Office, Bldg. 1, Rm 5009, Centers for Disease Control, Atlanta, Georgia 30333.

and
Director, Center for Prevention Services, Building 1, Rm 3007, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Unless otherwise instructed by the CDC representative during the initial or earlier contact with the agency, requesters should contact the first system manager listed. Requesters in person must provide driver's or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximately date(s) of the contract(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested,

and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Patients, state and local health departments, and private physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0117

BILLING CODE 4160-18-M

SYSTEM NAME:

Medical and Test Record Results of Individuals Involved in NIOSH Laboratory Studies. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Biomedical and Behavioral Sciences (DBBS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volunteer subjects from the general population.

CATEGORIES OF RECORDS IN THE SYSTEM:

Occupational history, medical history, results of medical tests, demographic data, results of psychological and psychometric tests, and data necessary to interpret the medical results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

PURPOSE(S):

This system is to develop composite data summaries to support the development of criteria for occupational safety and health standards, and to provide other recommendations for improving worker safety and health.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are: (1) Enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to

comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

Manual files, computer cards, computer tapes, computer listings, microfilm.

RETRIEVABILITY:

Name and case number are the indexes used to retrieve records from this system.

SAFEGUARDS:

Evening guard service in building. Locked building; locked rooms. Personnel screening. Locked computer room and computer tape vaults. Locked filed cabinets; password protection on computerized files.

Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records required by each individual study.

RETENTION AND DISPOSAL:

Personal identifiers are destroyed as soon as they are no longer necessary for the protection of the individuals involved. Computer tapes are erased; paper records are shredded or burned.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Assistant, DBBS NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

An individual who requests notification of or access to medical records shall, at the time the request is made: (1) Provide a written notarized request designating a responsible

representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0118

SYSTEM NAME:

Study at Work-Sites where Agents Suspected of Being Occupational Hazards Exist. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Biomedical and Behavioral Science, (DBBS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects employed at specific sites under study.

CATEGORIES OF RECORDS IN THE SYSTEM:

Occupational history, medical history, results of medical tests, demographic data, employee records, psychological and psychometric tests, and data necessary to interpret the medical results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

PURPOSE(S):

This system is to determine the relationship between worker exposure to hazardous agents or stressors and occupational disease. This information is used to recommend procedures to reduce the incidence of occupational disease.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may

disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are: (1) Enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

Manual files, computer cards, computer tapes, computer listings, microfilm.

RETRIEVABILITY:

Name and case number are the indexes used to retrieve records from this system.

SAFEGUARDS:

Evening guard service in building, Locked building; locked rooms, Personnel screening, Locked computer room and computer tape vaults, Locked file cabinets; password protection on computer files.

Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records required by each individual study.

RETENTION AND DISPOSAL:

Personal identifiers are destroyed as soon as the system has stabilized, and statistical summaries can be run. Computer tapes are erased; paper records are shredded or burned.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Assistant, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon

written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DBBS, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

An individual who requests notification of or access to medical records shall, at the time the request is made: (1) Provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from employee records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0136

BILLING CODE 4160-90-M

SYSTEM NAME:

Epidemiologic Studies and Surveillance of Disease Problems, HHS/CDC/CID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Infectious Diseases, Bldg. 1, Room 6007, Centers for Disease Control, Atlanta, Georgia 30333
 Center for Prevention Services, Bldg. 1, Room 3007, Centers for Disease Control, Atlanta, Georgia 30333
 Center for Environmental Health, Chamblee Bldg. 1, Room 9B, Centers for Disease Control, Atlanta, Georgia 30333
 Epidemiology Program Office, Bldg. 1, Room 5009, Centers for Disease Control, Atlanta, Georgia 30333

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children with reported diseases and other preventable conditions of public health significance; also included are control group participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case reports, line listings, hand sort cards, medical records, questionnaires, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sec. 301 (42 U.S.C. 241).

PURPOSE(S):

This record system enables CDC officials to better understand disease patterns in the U.S., develop programs for prevention and control of health problems, and communicate new knowledge to the health community.

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

A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health

nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) In emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

To individuals and organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

The Department is under contract with private firms for the purposes of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are maintained by the contractors. The contractors are required to maintain Privacy Act Safeguards with respect to such records.

Records may be disclosed to Health Departments and other public health or cooperating medical authorities in connection with program evaluations and related collaborative efforts to deal more effectively with diseases and conditions of public health significance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Computer tapes and file folders.

RETRIEVABILITY:

By name of individual and by identification number.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel, i.e., designated researchers, epidemiologists, and their clerical staffs. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study or specific project. Departmental security guidelines will be followed. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Record copy of study reports maintained from three to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed by program official. Personal identifiers may be deleted from records when no longer needed in the study as determined by the system manager, and as provided in the signed consent form, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Infectious Diseases, Bldg 1, Rm. 6007, Centers for Disease Control, Atlanta, Georgia 30333
 Director, Center for Prevention Services, Bldg. 1, Room 3007, Centers for Disease Control, Atlanta, Georgia 30333
 Director, Center for Environmental Health, Chamblee Bldg., Room 9B, Centers for Disease Control, Atlanta, Georgia 30333
 Epidemiology Program Office, Bldg. 1, Room 5009, Centers for Disease Control, Atlanta, Georgia 30333

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the

address above. Persons interested in obtaining information concerning their participation in epidemiological studies or surveillance activities should contact the first system manager listed. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either: (1) Submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate date(s) of the contact(s) with the Centers for Disease Control representative; (3) nature of the questionnaire or study in which the requester participated.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under system Manager above, and reasonably identify the record and specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals, private physicians, state and local health departments, and other health care providers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0137

SYSTEM NAME:

Passport File.
HHS/CDC/FMO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Financial Management Office, PFy Building, Room 107B, Centers for Disease Control, Atlanta, Georgia 30333.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CDC employees

CATEGORIES OF RECORDS IN THE SYSTEM:

Passport status records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To show status of passports of CDC employees who travel to foreign countries on official business.

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

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

File folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Locked buildings, locked rooms, personnel screening, limited access to Financial Management Office personnel only. The safeguards described for these nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number years held at CDC: 5. When passports expire or when they are cancelled, they are returned to the subject individual. If the individual does not wish to receive the cancelled or expired passport, the document is destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Office, PFy Building, Room 200, Centers for

Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretense is a criminal offense under the Privacy Act subject to a \$5,000 fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

CDC employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0138

SYSTEM NAME:

Epidemic Intelligence Service Officers Files. HHS/CDC/EPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Epidemiology Program Office, Bldg. 1, Rm. 5014 (1976 to present), Centers for Disease Control, Atlanta, Georgia 30333 and
Federal Records Center (1960-1976), 1557 St. Joseph Ave., East Point, Georgia 30344

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

EIS Officers—Current, alumni and applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, interview materials, letters of recommendations, call to duty papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Sections 203, 207 (42 U.S.C. 204 and 209).

PURPOSE(S):

The system is designed to process individual applications for the epidemic intelligence service officer program, and to assess a candidate's suitability for a position in the program.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

File folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, limited access to only authorized personnel, i.e., Office director and immediate staff. The safeguards described for these nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Number of years held at CDC: 7 years. May be transferred to Federal Records Center. Destroyed by paper recycling process after 16 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Epidemiology Program Office, Bldg. 1, Rm. 5009, Centers for Disease Control, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Educational institutions, previous employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BILLING CODE 4160-18-M

09-20-0147

SYSTEM NAME:

Occupational Health Epidemiological Studies. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Surveillance, Hazard Evaluation, and Field Studies (DSHEFS), National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, Cincinnati, Ohio 45226
Federal Records Center, Dayton, Ohio 45439

Parklawn Computer Center, Production Control Section, Tape Library, Room 2-B-70, 5600 Fishers Lane, Rockville, Maryland 20857

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are

performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Industrial workers exposed to physical and/or chemical agents that may damage the human body in any way. Some examples are: (1) Organic carcinogens, (2) inorganic carcinogens, (3) mucosal or dermal irritants, (4) fibrogenic materials, (5) acute toxic agents including sensitizing agents, (6) neurotoxic agents, (7) mutagenic (male and female) and teratogenic agents, (8) bio-accumulating non-carcinogen agents, and (9) chronic vascular disease-causing agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physical exams, sputum cytology results, questionnaires, demographic information, smoking history, occupational histories, previous and current employment records, urine test records, X-rays, medical history, pulmonary function test records, medical disability forms, blood test records, drivers license data, hearing test results, spirometry results. The specific types of records collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241); Occupational Safety and Health Act Section 20 (29 U.S.C. 669); Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951).

PURPOSE(S):

Studies carried out under this system are to evaluate mortality of occupationally related diseases to determine the cause and prevention of diseases of industrial origin, and lead toward future prevention of occupationally related diseases.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Portions of records (name, Social Security number if known, date of birth,

and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State or local agency. Cause of death enables NIOSH to evaluate whether excess occupationally related mortality is occurring.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records. Computer work may be done either on contractor-owned or Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

Test data which indicates the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the

Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Manual files, computer files, card files, microfilm, microfiche, and other files as appropriate.

RETRIEVABILITY:

Name, assigned number, plant name, year tested are some of the indices used to retrieve records from these systems. Other retrieval methods are utilized as individual research dictates.

SAFEGUARDS:

Locked buildings, locked rooms, locked file cabinets, personnel screening, locked computer room and computer tape vaults, 24-hour guard service, password protection of computerized records, limited access to only authorized personnel. Two or more of the safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by an individual study.

RETENTION AND DISPOSAL:

Records are maintained from three to twenty years in accordance with retention schedules. Every attempt is made to strip personal identifiers from records and destroy the records when they are no longer needed. Any paper records which are disposed of are shredded or burned and computer tapes are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO),
DSHEFS F-1, 4676 Columbia Parkway,
Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DSHEFS F-1, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Vital status information is obtained from Federal, State and local governments and other available sources selected from those listed in Appendix I. Information is obtained directly from the individual and employer records, whenever possible.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I—Potential Sources for Determination of Vital Status

Military Records
 Appropriate State Motor Vehicle Registration Departments
 Appropriate State Drivers License Departments
 Appropriate State Government Divisions of:
 Assistance Payments (welfare), Social Services, Medical Services;
 Food Stamp Program, Child Support, Board of Corrections, Aging;
 Indian Affairs, Workman's Compensation, Disability Insurance
 Retail Credit Association Follow up
 Veteran's Administration Files
 Appropriate employee union or association records
 Appropriate company pension of employment records
 Company group insurance records
 Appropriate State Vital Statistics Offices
 Life Insurance Companies
 Railroad Retirement Board
 Area Nursing Homes
 Area Indian Trading Posts
 Mailing List Correction Cards (U.S. Postal Service)
 Letters and telephone conversations with relatives
 Letters and telephone conversations with former employees of the same establishment as cohort member
 Appropriate local newspaper (obituaries)
 Social Security Administration
 Internal Revenue Service

09-20-0148

SYSTEM NAME:

Results of Occupational Hearing Studies. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Division of Biomedical and Behavioral Science (DBBS), National Institute for Occupational Safety and Health (NIOSH), Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Workers exposed to noise at a harmful or potentially hazardous level and individuals selected as control groups.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physical examinations, results of laboratory tests (physiological, acceleration measures, performance tests); results of hearing tests, hearing acuity tests, occupational histories, medical history, demographic data, related medical information. The specific types of records collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act, Section 20 (29 U.S.C. 669); Federal Coal Mine Safety and Health Act (30 U.S.C. 669 Section 20)

PURPOSE(S):

This system is to assist in the development of standards for occupational exposure to hazards.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

Manual files, computer tape, microfilm, computer cards, index audiogram files, audiogram questionnaire forms.

RETRIEVABILITY:

Name, case number and study number are the indices used to retrieve records from this system.

SAFEGUARDS:

24 hour guard service in buildings, locked buildings, personnel screening, access limited to authorized personnel. In most instances information is related to individual identifiers by case numbers. The file of individual case number relationships is available to a limited group of people. Computerized records are protected by locked computer rooms, locked computer tape vaults, and password protection.

RETENTION AND DISPOSAL:

Record copy maintained up to ten years in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes and burning or shredding printouts.

SYSTEM MANAGER(S) AND ADDRESS:

Industrial Hygiene Engineer, Noise
Section, Physical Agents Effects
Branch, DBBS, NIOSH, 4676 Columbia
Parkway, Cincinnati, Ohio 45226.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of \$5,000 dollars.

To determine if a record exists, write to: Director, DBBS, NIOSH, 4676 Columbia Parkway, Robert A. Taft Laboratories, Cincinnati, Ohio 45226.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual, and employee records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0149

SYSTEM NAME:

General Industry Morbidity Studies.
HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), Morgantown, West Virginia.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at workplaces not identified as surface mining or below ground mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population who have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669); Federal Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951)

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases.

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

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry

from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer system analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

Test data which indicates the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to

comply with a warrant contained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purposes for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social Security numbers, supplied on a voluntary basis may occasionally be used for data retrievals.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms, and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials, and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO); DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification. (i.e., driver's license, passport) if request is made in

person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from employee records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0150

SYSTEM NAME:

Morbidity Studies in Coal Mining Activities. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at

those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working or having worked at coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population who have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data, spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Coal Mine Health and Safety Act Section 501 (30 U.S.C. 9511); Section 203 (30 U.S.C. 843); Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective

defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Some data is sent to the Mining Enforcement and Safety Administration, Department of the Interior to report incidence of pneumoconiosis.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

Test data which indicates the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays, and manual files.

RETRIEVABILITY:

Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social Security numbers, supplied on a voluntary basis, may occasionally be used for data retrieval.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials, and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical

records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from employee records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0151

SYSTEM NAME:

Mortality Studies in Coal Mining Activities. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory

irritants or carcinogens. Also included are those individuals in the general population who have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 301 (42 U.S.C. 241). Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases.

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

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Portions of records (name, social security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State, or local agency. Cause of death enables NIOSH to evaluate whether excess occupationally-related mortality is occurring.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or

her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social security

numbers, supplied on a voluntary basis may occasionally be used for data retrieval.

SAFEGUARDS:

Locked buildings, locked rooms, 24 hour guard service, locked file cabinets, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by an individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO), DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from death certificates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I—Potential Sources for Determination of Vital Status

Military Records
Appropriate State Motor Vehicle Registration Departments
Appropriate State Drivers License Departments
Appropriate State Government Divisions of:
Assistance Payments (Welfare), Social Services, Medical Services;
Food Stamp Program, Child Support, Board of Corrections, Aging;
Indian Affairs, Workman's Compensation, Disability Insurance.
Veteran's Administration Files
Appropriate employee union or association records
Appropriate company pension or employment records
Company group insurance records
Appropriate State Vital Statistics Offices
Life Insurance Companies
Railroad Retirement Board
Area Nursing Homes
Area Indian Trading Posts
Mailing List Correction Cards (U.S. Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conversations with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)
Social Security Administration
Internal Revenue Service

09-20-0152

SYSTEM NAME:

Mortality Studies in Non-Coal Mining Activities. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.
Also, occasionally data may be located at the facilities of collaborating

researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at mining operations other than coal operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population who have been selected as control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301 (42 U.S.C. 241); Federal Metal and Nonmetallic Mine Safety act Section 4 (30 U.S.C. 723); Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases.

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

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I,

as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State, or local agency. Cause of death enables NIOSH to evaluate whether excess occupationally related mortality is occurring.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors grantees, or other Federal or

State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Computer tape, cards and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social security numbers supplied on a voluntary basis may occasionally be used for data retrieval.

SAFEGUARDS:

Twenty-four hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, and as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO),
DRDS, NIOSH, 944 Chestnut Ridge
Road, Morgantown, West Virginia
26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretense is committing a

criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contract the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, company personnel records, from death certificates, and from industry and union records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I—Potential Sources for determination of Vital Status

Military Records
Appropriate State Motor Vehicle Registration Departments
Appropriate State Drivers License Departments
Appropriate State Government Divisions of:
Assistance Payments (Welfare), Social Services, Medical Services;
Food Stamp Program, Child Support, Board of Corrections, Aging;
Indian Affairs, Workman's Compensation, Disability Insurance.
Veteran's Administration Files
Appropriate employee union or association records
Appropriate company pension or employment records
Company group insurance records
Appropriate State Vital Statistics Offices
Life Insurance Companies
Railroad Retirement Board
Area Nursing Homes
Area Indian Trading Posts

Mailing List Correction Cards (U.S. Postal Service)
Letters and telephone conversations with relatives
Letters and telephone conversation with former employees of the same establishment as cohort member
Appropriate local newspaper (obituaries)
Social Security Administration
Internal Reveune Service

09-20-0153

SYSTEM NAME:

General Industry Mortality Studies.
HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at workplaces not identified as surface mining or below ground mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population who have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669); Public Health Service Act; Section 301 (42 U.S.C. 141).

PURPOSE(S)

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases.

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

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more other sources selected from those listed in Appendix I, as applicable. This may be done solely for obtaining a determination as to whether or not an individual has died. The purpose of determining death is so that NIOSH may obtain death certificates, which state the cause of death, from the appropriate Federal, State, or local agency. Cause of death enables NIOSH to evaluate whether excess occupationally related mortality is occurring.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data

entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researcher's data security procedures will protect confidentiality.

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

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social Security numbers, supplied on a voluntary basis may occasionally be used for data retrieval.

SAFEGUARDS:

Twenty-four hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by such individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in

the study, as determined by the system manager, and as provided in the signed consent form, as appropriate. Disposal methods include burning or shredding paper materials and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer (PMO)
DRDS, NIOSH, 944 Chestnut Ridge
Road, Morgantown, West Virginia
26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual, from employee records, from death certificates, and from industry and trade union records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I—Potential Sources for Determination of Vital Status

Military Records
 Appropriate State Motor Vehicle Registration Departments
 Appropriate State Drivers License Departments
 Appropriate State Government Divisions of:
 Assistance Payments (Welfare), Social Services, Medical Services;
 Food Stamp Program, Child Support, Board of Corrections, Aging;
 Indian Affairs, Workman's Compensation, Disability Insurance.
 Veteran's Administration Files
 Appropriate employee union or association records
 Appropriate company pension or employment records
 Company group insurance records
 Appropriate State Vital Statistics Offices
 Life Insurance Companies
 Railroad Retirement Board
 Area Nursing Homes
 Area Indian Trading Posts
 Mailing List Correction Cards (U.S. Postal Services)
 Letters and telephone conversations with relatives
 Letters and telephone conversations with former employees of the same establishment as cohort member
 Appropriate local newspaper (obituaries)
 Social Security Administration
 Internal Revenue Service

09-20-0154

SYSTEM NAME:

Medical and Laboratory Studies.
 HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have had physical examinations at DRDS or who had biochemical tests done on various samples submitted to DRDS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Analysis of biochemical data, occupational and medical histories, and results of medical tests. The specific types of records collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Coal Mine Health and Safety Act Section 501 (30 U.S.C. 951), Occupational Safety and Health Act Section 20 (29 U.S.C. 669), Occupational Safety and Health Act section 22(d) (29 U.S.C. 671(d)); Federal Coal Mine Health and Safety Act Section 427(b).

PURPOSE(S):

The purpose of this system is to perform medical and epidemiological research, statistical analysis, and to identify early indicators of occupationally related diseases (biochemical indices); data is given to other NIOSH units for biochemical and epidemiological studies.

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

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

Test data which indicates the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Name and case number are the indices used to retrieve records from this system.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer

room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by such individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, as determined by the system manager, as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Project Management Officer, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures

above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0155

SYSTEM NAME:

Morbidity Studies in Metal and Non-Metal Mining Activities. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Respiratory Disease Studies (DRDS), National Institute For Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons working, or having worked at mining operations other than coal mining operations and exposed or potentially exposed to substances which are known or suspected respiratory irritants or carcinogens. Also included are those individuals in the general population who have been selected as a control group.

CATEGORIES OF RECORDS IN THE SYSTEM:

Previous and current employment records, medical and occupational histories, demographic data, X-rays, smoking histories, results of medical tests such as pulmonary function data and spirometry test results, permission forms, industrial environmental data, and questionnaires. The specific types of records collected and maintained are determined by the research needs of the specific study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669); Public Health Service Act Section 301 (42 U.S.C. 241).

PURPOSE(S):

The purpose of this system is to investigate occupationally related diseases and to determine the cause and prevention of such diseases.

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

Data may be sent to State Vital Statistics Divisions to obtain death certificates, and to Missing Person Location Agencies to find those individuals who cannot otherwise be located.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

Test data which indicates the existence of cancer may be provided to the State Cancer Registry where the State has a legally constituted cancer

registry program which provides for the confidentiality of information.

Certain communicable diseases may be reported to State and/or local Health Departments where the State has a legally constituted reporting program for communicable diseases and which provides for the confidentiality of the information.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

STORAGE:

Computer tape, cards, and printouts; microfiche; X-rays; and manual files.

RETRIEVABILITY:

Plant name, study, name, and/or assigned numerical identifiers are some of the indices used to retrieve records from this system. Social Security numbers, supplied on a voluntary basis, may occasionally be used for data retrieval.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer room and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by such individual study.

RETENTION AND DISPOSAL:

Record copy maintained in accordance with retention schedules. Source documents for computer disposed of when no longer needed in the study, and as determined by the system manager, as provided in the signed consent form as appropriate. Disposal methods include erasing computer tapes and burning or shredding paper material.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about herself/himself upon written request, with notarized signature if request is made by mail, or with suitable identification (i.e., driver's license, passport) if request is made in person. All individuals requesting records are informed that anyone who knowingly and willfully requests access to a record pertaining to an individual under false pretenses is committing a criminal offense under the Act and subject to a maximum fine of 5,000 dollars.

To determine if a record exists, write to: Director, DRDS, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

An individual who requests notification of or access to medical records shall, at the time the request is made, (1) provide a written notarized request designating a responsible representative who is willing to review the record and inform the subject individual of its contents at the representative's discretion, (2) supply the name of the study, if known, (3) provide the approximate date and place of the study, if known, and (4) provide the approximate date and place of treatment or questionnaire administration.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Vital status information is obtained from Federal, State and local governments and other available

sources. Information is obtained from the individual and from employer records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BILLING CODE 4160-90-M

09-20-0156

SYSTEM NAME:

Cytotechnologist Proficiency Answer Sheets and Test Results (Medicare), HHS/CDC/LIPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Centers for Disease Control, Laboratory Improvement Program Office, Building 3, Room B49, 1600 Clifton Rd., N.E., Atlanta, Georgia 30333

and
Federal Records Center, 1557 St. Joseph Ave., East Point, GA 30344
and
Professional Examination Service, 475 Riverside Drive, New York, N.Y. 10115

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cytotechnologists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer Sheets, Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Sections 1123 (42 U.S.C. 1320a-2).

PURPOSE(S):

To maintain a record of examination scores in order to provide proficiency cards and test results to examinees.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records

as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Computer tapes and computer-generated listings filed by discipline, by State, in file folders.

RETRIEVABILITY:

Listings and answer sheets are retrieved by examination, State, examinee's name and address, and examination number.

SAFEGUARDS:

Files are maintained in a combination lock file cabinet in a secured building. 24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Lists are to be retained through FY 1985. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroyed by paper recycling process or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Health Laboratory Manpower Development, Laboratory Improvement Program Office, Bldg. 3, Room B49, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing

and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

Finally, all of the following information should be provided when requesting notification: (1) Full name; (2) approximate date(s) of the examination(s); (3) name of the examination and location at which examination was administered.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, and reasonably identify the record and specify the information being contested, and state the correction action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Scored examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0157

SYSTEM NAME:

Clinical Laboratory Technologists Proficiency Answer Sheets and Test Results (Medicare). HHS/CDC/LIPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Laboratory Improvement Program Office, Bldg. 3, Room B49, Centers for Disease Control, 1600 Clifton Rd., N.E., Atlanta, Georgia 30333 and Federal Records Center, 1557 St. Joseph Ave., East Point, GA 30344 and Professional Examination Service, 475 Riverside Drive, New York, N.Y. 10115

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clinical laboratory technologists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer sheets. Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Section 1123 (42 U.S.C. 1320a-2).

PURPOSE(S):

To maintain a record of examination scores in order to provide proficiency cards and test results to examinees.

When applicable, answer sheets are used to revalidate results.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Computer tapes and computer-generated listings filed by discipline, by State, in file folders.

RETRIEVABILITY:

Listings and answer sheets are retrieved by examination, State, examinee's name and address, and examination number.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Lists are to be retained through FY 1985. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time

the records are no longer of use, FRC will be authorized to destroy by paper recycling process or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Health
Laboratory Manpower Development,
Laboratory Training and Consultation
Division, Laboratory Improvement
Program Office, Bldg. 3, Room B49,
Centers for Disease Control, 1600
Clifton Road, N.E., Atlanta, Georgia
30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

Finally, all of the following information should be provided when requesting notification: (1) Full name; (2) approximate date(s) of the examination(s); (3) name of the examination, and location at which examination was administered.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, and reasonably identify the record and specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Scored examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-20-0158

SYSTEM NAME:

Independent Laboratory Directors
Proficiency Answer Sheets and Exam
Results (Medicare). HHS/CDC/LIPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Laboratory Improvement Program
Office, Building 3, Room B49, Centers
for Disease Control, 1600 Clifton Rd.,
N.E., Atlanta, Georgia 30333
and
Federal Records Center, 1557 St. Joseph
Ave., East Point, GA 30344
and
Professional Examination Service, 475
Riverside Drive, New York, N.Y. 10115

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Independent Laboratory directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer sheets. Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Section 1123 (42
U.S.C. 1320a-2).

PURPOSE(S):

To maintain a record of examination scores in order to provide proficiency cards and test results to examinees. When applicable, answer sheets are used to revalidate results.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Computer tapes and computer-generated listings filed by discipline, by State, in file folders.

RETRIEVABILITY:

Listings and answer sheets are retrieved by examination, State,

examinee's name and address, and examination number.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked rooms, personnel screening, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Lists are to be retained through FY 1985. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by paper recycling process or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Health
Laboratory Manpower Development,
Laboratory Training and Consultation
Division, Laboratory Improvement
Program Office, Bldg. 3, Room B49,
Centers for Disease Control, 1600
Clifton Road, N.E., Atlanta, Georgia
30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity or (2) must certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

Finally, all of the following information should be provided when requesting notification: (1) Full name; (2) approximate date(s) of the examination(s); (3) name of the examination, and location at which examination was administered.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, and reasonably identify the record and specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Scored examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

BILLING CODE 4160-15-M

09-20-0159

SYSTEM NAME:

Records of Subjects in Certification, Testing and Safety Studies of Personal Protective Devices for Hazardous Work Environments. HHS/CDC/NIOSH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Safety Research (DSR), National Institute for Occupational Safety and Health (NIOSH), 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Also, occasionally data may be located at the facilities of collaborating researchers where analyses are performed, data collected and reports written. A list of these facilities is available upon request to the system manager. Data may be located only at those facilities that have an adequate data security program and the collaborating researcher must return the data to NIOSH or destroy individual identifiers at the conclusion of the project.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals exposed to hazardous work environments and individuals selected as control groups are covered by this system. Additionally, the system pertains to individuals selected to test the interaction between people, personal protection or safety equipment, users of such equipment, and a hazardous environment. Some examples include individuals selected to: perform respirator facepiece fit tests, evaluate hearing protectors, perform lifting and manual materials handling studies, perform strength test studies, and perform hand speed tests.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains such records as physical examinations, questionnaires, results of laboratory tests (physiological acceleration measures, and performance

tests), workplace performance records, results of hearing tests, occupational histories, medical histories, demographic data, and related medical information. The specific types of records collected and maintained are determined by the needs of the individual study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Public Health Service Act, Section 301 (42 U.S.C. 241); the Occupational Safety and Health Act, Section 20 (29 U.S.C. 669); and the Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

PURPOSE(S):

The purpose of this system is to permit acquisition of information related to certification of personal protective equipment, hazard-measuring devices, and safety research studies.

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

Disclosures may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office, made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. For example, records may be released to the Department of Justice in defending claims against the U.S. when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice to enable the Department to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only

types of litigative proceedings that NIOSH is authorized to request are (1) enforcement of a subpoena issued to an employer to provide relevant information, or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

Portions of records (name, Social Security number if known, date of birth, and last known address) may be disclosed to one or more sources selected from those listed in Appendix I. This may be done to determine if the individual has died so that a death certificate can be obtained. Knowing the cause of death enables NIOSH to evaluate whether excess occupationally-related mortality is occurring.

Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis, and computer programming services. The contractors promptly return all data entry records, and all computer work is done on Government-owned computers. The contractors are required to maintain Privacy Act safeguards.

Disclosure may be made to NIOSH collaborating researchers (NIOSH contractors, grantees, or other Federal or State scientists) in order to accomplish the research purpose for which the records are collected. The collaborating researchers must agree in writing to comply with the confidentiality provisions of the Privacy Act and NIOSH must have determined that the researchers' data security procedures will protect confidentiality.

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

Manual files, computer tape, microfilm, computer cards, index audiogram files, audiograms, questionnaire forms.

RETRIEVABILITY:

Name, assigned number, plant name, and year tested are some of the indices used to retrieve records from these systems. Other retrieval methods are utilized as individual research dictates.

SAFEGUARDS:

Locked buildings, locked rooms, locked file cabinets, personnel screening, locked computer room and computer tape vaults, 24-hour guard service, limited access only to authorized personnel. The particular safeguards used are selected as appropriate for the type of records covered by an individual study. For computerized records, safeguards are in

accordance with Part 6, ADP Systems Security, of the HHS/ADP Systems Manual. Safeguards for non-automated records are in accordance with the NIOSH Sensitive Data Security Program Briefing Booklet.

RETENTION AND DISPOSAL:

Records are maintained from three to twenty years in accordance with retention schedules. Personal identifiers are stripped from records, and records are destroyed when they are no longer needed. All paper records which are disposed of are shredded or burned and computer tapes are erased.

BILLING CODE 4160-90-M

09-20-0160

SYSTEM NAME:

Records of Subjects in Health Education Studies—HHS/CDC/CHPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Center for Health Promotion and Education, Centers for Disease Control, Building 14, Room 10, Atlanta, Georgia 30333.

A list of contractor sites is available upon request to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and children, including teachers, parents, and students who participate in studies and surveys designed to obtain data on their knowledge, attitudes, and reported behavior related to a variety of health problems and/or other potential preventable conditions of public health significance; also included are control group participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Responses to questionnaires by adults and children, including teachers, parents, and students, pertaining to health knowledge, attitude and behavior, site visit data, organizational data regarding health education in school curriculum, course content, medical histories, demographic data of the survey population as well as identification data for follow-up purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sec. 301 Research and Investigations (42 U.S.C. 241).

PURPOSE(S):

This record system enables CDC officials to develop and evaluate existing health education programs for disease prevention and control, and to

communicate new knowledge to the health community for the implementation of such programs.

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

Disclosure may be made to CDC contractors in the conduct of research studies covered by this system notice and in the preparation of scientific reports, in order to accomplish the stated purpose of the system. The recipients will be required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Computer tapes and file folders.

RETRIEVABILITY:

Name of individual, identification number, school name and year tested are some of the indices used to retrieve records from this system.

SAFEGUARDS:

24-hour guard service in buildings, locked buildings, locked file rooms, locked computer rooms and tape vaults, password protection of computerized records, limited access to only authorized personnel. Designated researchers and their clerical staff are authorized personnel. Two or more of these safeguards are used for all records covered by this system notice. The particular safeguards used are selected as appropriate for the type of records covered by each individual study. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS chapter.

RETENTION AND DISPOSAL:

Source documents for computer disposed of when no longer needed by program official. Personal identifiers may be deleted from records when no longer needed in the study as determined by the system manager, and as provided in the signed consent form, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Research and Evaluation, Center for Health Promotion and

Education, Centers for Disease Control, Bldg. 14, Room 10, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the System Manager at the address above. Requesters in person must provide positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity, or (2) must certify that they are the individuals whom they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

In addition, an individual who requests notification of, or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child by means of a birth certificate or court order, as well as verify that he or she is who he or she claims to be.

Finally, all of the following information must be provided when requesting notification: (1) Full name; (2) approximate dates of the contract with the Centers for Disease Control representative; (3) nature of the study or questionnaire in which the requester participated.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the system manager and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individuals, and participating public and private schools which maintain records on enrolled students.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-23485 Filed 10-12-82; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974; Systems of Records, Annual Republication

AGENCY: Office of the Secretary, Office of the Assistant Secretary for Public Affairs (OASPA), HHS.

ACTION: Annual republication of notices of systems of records.

SUMMARY: The Office of the Secretary publishes this document to meet the requirements of 5 U.S.C. 552a(e)(4). This is the annual republication for the HHS organizations listed below. This listing does not include any material which would require a new or altered system report as described in OMB circular A-108. The notices do not contain any new routine uses. Nevertheless, the notices do include modifications for the purposes of completeness, clarity, timeliness, and correctness.

SUPPLEMENTARY INFORMATION: Notices included are for the following organizations of the Office of the Secretary and HHS Regional Offices:

1. Office of the Assistant Secretary for Management and Budget (OASMB).
2. Office of Inspector General (OIG).
3. Office of the Assistant Secretary for Legislation (OASL).
4. Office of the Assistant Secretary for Public Affairs (OASPA).
5. Executive Secretariat (ES).
6. Office of Consumer Affairs (OCA).
7. Office for Civil Rights (OCR).
8. Office of General Counsel (OGC).
9. Office of Child Support Enforcement (OCSE).
10. Office of Assistant Secretary for Planning and Evaluation (OASPE).
11. Region I, Administrative Support Center (ASC).
12. Region IX, Office of Regional Director (ORD).

We made the following deletions from last year's publication: System Number 09-90-0081, Michigan Longitudinal Study, HHS/OS/ASPE, *Federal Register*, Volume 46, Number 207, October 27, 1981, page 52635. This project operated under contract and the contract ended. System Number 09-90-0085, Demonstration Project: Application for Assistance in Order to Comment on Proposed Regulations, HHS/OS/ASPA: *Federal Register* Volume 46, Number 207, October 27, 1981, Page 52620. This project ended and the records were destroyed.

If any errors appear because of an oversight, we will publish additional modifications, additions, and deletions in later issues of the *Federal Register* to correct the errors.

In order to inform the public of the Privacy Act restrictions on the release of records contained in systems of records, we have set forth the "Conditions of Disclosure" section of the Privacy Act before the notices.

In addition we have set forth the following sections of the Department's Privacy Act Regulations 45 CFR Part 5b:

- 5b.5 Notification of or access to records
- 5b.6 Special procedures for notification of or access to medical records
- 5b.7 Procedures for correction or amendment of records, and
- 5b.10 Parents and Guardians

This will assist an individual by giving him or her the following information:

- How to find out if HHS has a record about him or her, and how to get a copy of that record.
- Special procedures for finding out about medical records.
- Special procedures for finding out about his or her child's medical records.
- Correcting mistakes in his or her record.
- Special procedures pertaining to parents and guardians of minors and incompetent persons.

HHS also publishes additional notices of systems of records for the following organizations with separate preambles:

- Office of Assistant Secretary for Personnel Administration (OASPER)
- Office of Human Development Services (OHDS)
- Health Care Financing Administration (HCFA)
- Office of the Assistant Secretary for Health (OASH)
- Food and Drug Administration (FDA)
- Health Resources Administration (HRA)
- Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)
- National Institutes of Health (NIH)
- Centers for Disease Control (CDC)
- Health Services Administration (HSA)
- Social Security Administration (SSA)

In order to assist the public, the Department will publish a subject/key word index and a consolidated list of the names, systems numbers, and specific page numbers in the *Federal Register* of its notices of systems of records in a forthcoming issue of the *Federal Register*.

Dated: August 26, 1982.

Pamela G. Bailey,

Assistant Secretary for Public Affairs.

Excerpts From the Department's Privacy Act Regulation, 45 CFR Part 5b

§ 5b.5 Notification of or access to records.

(a) *Times, places, and manner of requesting notification of or access to a record.*

(1) Subject to the provisions governing medical records in § 5b.6 of this part, any individual may request notification of a record. He may at the same time request access to any record pertaining to him. An individual may be accompanied by another individual of his choice when he requests access to a record in person; *Provided*, That he affirmatively authorizes the presence of such other individual during any discussion of a record to which access is requested.

(2) An individual making a request for notification of or access to a record shall address his request to the responsible Department official and shall verify his identity when required in accordance with paragraph (b)(2) of this section. At the time the request is made, the individual shall specify which systems of records he wishes to have searched and the records to which he wishes to have access. He may also request that copies be made of all or any such records. An individual shall also provide the responsible Department official with sufficient particulars to enable such official to distinguish between records on subject individuals with the same name. The necessary particulars are set forth in the notices of systems of records.

(3) An individual who makes a request in person may leave with any responsible Department official a request for notification of or access to a record under the control of another responsible Department official; *Provided*, That the request is addressed in writing to the appropriate responsible Department official.

(b) *Verification of identity—(1) When required.* Unless an individual, who is making a request for notification of or access to a record in person, is personally known to the responsible Department official, he shall be required to verify his identity in accordance with paragraph (b)(2) of this section if:

(i) He makes a request for notification of a record and the responsible Department official determines that the mere disclosure of the existence of the record would be a clearly unwarranted invasion of privacy if disclosed to someone other than the subject individual; or,

(ii) He makes a request for access to a record which is not required to be disclosed to the general public under the Freedom of Information Act, 5 U.S.C. 552, and Part 5 of this title.

(2) *Manner of verifying identity.*

(i) An individual who makes a request in person shall provide to the responsible Department official at least one piece of tangible identification such as a driver's license, passport, alien or voter registration card, or union card to verify his identity. If an

individual does not have identification papers to verify his identity, he shall certify in writing that he is the individual who he claims to be and that he understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretense is a criminal offense under the Act subject to a \$5,000 fine.

(ii) Except as provided in paragraph (b)(2)(v) of this section, an individual who does not make a request in person shall submit a notarized request to the responsible Department official to verify his identity or shall certify in his request that he is the individual who he claims to be and that he understands that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act subject to a \$5,000 fine.

(iii) An individual who makes a request on behalf of a minor or legal incompetent as authorized under § 5b.10 of this Part shall verify his relationship to the minor or legal incompetent, in addition to verifying his own identity, by providing a copy of the minor's birth certificate, a court order, or other competent evidence of guardianship to the responsible Department official; *except that*, an individual is not required to verify his relationship to the minor or legal incompetent when he is not required to verify his own identity or when evidence of his relationship to the minor or legal incompetent has been previously given to the responsible Department official.

(iv) An individual shall further verify his identity if he is requesting notification of or access to sensitive records such as medical records. Any further verification shall parallel the record to which notification or access is being sought. Such further verification may include such particulars as the individual's years of attendance at a particular educational institution, rank attained in the uniformed services, date or place of birth, names of parents, an occupation or the specific times the individual received medical treatment.

(v) An individual who makes a request by telephone shall verify his identity by providing to the responsible Department official identifying particulars which parallel the record to which notification or access is being sought. If the responsible Department official determines that the particulars provided by telephone are insufficient, the requester will be required to submit the request in writing or in person. Telephone requests will not be accepted where an individual is requesting notification of or access to sensitive records such as medical records.

(c) *Granting notification of or access to a record.*

(1) Subject to the provisions governing medical records in § 5b.6 of this part and the provisions governing exempt systems in § 5b.11 of this part, a responsible Department official, who receives a request for notification of or access to a record and, if required, verification of an individual's identity, will review the request and grant notification or access to a record, if the individual requesting access to the record is the subject individual.

(2) If the responsible Department official determines that there will be a delay in responding to a request because of the number of requests being processed, a breakdown of equipment, shortage of personnel, storage of records in other locations, etc., he will so inform the individual and indicate when notification or access will be granted.

(3) Prior to granting notification of or access to a record, the responsible Department official may at his discretion require an individual making a request in person to reduce his request to writing if the individual has not already done so at the time the request is made.

§ 5b.6 Special procedures for notification of or access to medical records.

(a) *General.* An individual in general has a right to notification of or access to his medical records, including psychological records, as well as to other records pertaining to him maintained by the Department. This section sets forth special procedures as permitted by the Act for notification of or access to medical records, including a special procedure for notification of or access to medical records of minors. The special procedures set forth in paragraph (b) of this section may not be suitable for use by every component of the Department. Therefore, components may follow the paragraph (b) procedure for notification of or access to medical records, or may issue regulations establishing special procedures for such purposes. The special procedure set forth in paragraph (c) of this section relating to medical records of minors is mandatory.

(b) *Medical records procedures—(1) Notification of or access to medical records.*

(i) Any individual may request notification of or access to a medical record pertaining to him. Unless the individual is a parent or guardian requesting notification of or access to a minor's medical record, an individual shall make a request for a medical record in accordance with this section and the procedures in § 5b.5 of this Part.

(ii) An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a representative in writing. The representative may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents at the representative's discretion.

(2) *Utilization of the designated representative.* A subject individual will be granted direct access to a medical record if the responsible official determines that direct access is not likely to have an adverse effect on the subject individual. If the responsible Department official believes that he is not qualified to determine, or if he does determine, that direct access to the subject individual is likely to have an adverse effect on the subject individual, the record will be sent to the designated representative. The subject individual will be informed in writing that the record has been sent.

(c) *Medical records of minors.—(1) Requests by minors; notification of or access to medical records to minors.* A minor may request notification of or access to a medical

record pertaining to him in accordance with paragraph (b) of this section.

(2) *Requests on a minor's behalf; notification of or access to medical records to an individual on a minor's behalf.*

(i) In order to protect the privacy of a minor, a parent or guardian, authorized to act on a minor's behalf as provided in § 5b.10 of this part, who makes a request for notification of or access to a minor's medical record will not be given direct notification of or access to such record.

(ii) A parent or guardian shall make all requests for notification of or access to a minor's medical record in accordance with this paragraph and the procedures in § 5b.5 of this part. A parent or guardian shall at the time he makes a request designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent.

(iii) Where a medical record on the minor exists, it will be sent to the physician or health professional designated by the parent or guardian in all cases. If disclosure of the record would constitute an invasion of the minor's privacy, that fact will be brought to the attention of the physician or health professional to whom the record is sent. The physician or health professional will be asked to consider the effect that disclosure of the record to the parent or guardian would have on the minor in determining whether the minor's medical record should be made available to the parent or guardian. Response to the parent or guardian making the request will be made in substantially the following form:

We have completed processing your request for notification of or access to

Name of minor

medical records. Please be informed that if any medical records were found pertaining to that individual, they have now been sent to your designated physician or health professional.

In each case where a minor's medical records is sent to a physician or health professional, reasonable efforts will be made to so inform the minor.

§ 5b.7 Procedures for correction or amendment of records.

(a) Any subject individual may request that his record be corrected or amended if he believes that the record is not accurate, timely, complete, or relevant or necessary to accomplish a Department function. A subject individual making a request to amend or correct his record shall address his request to the responsible Department official in writing; *except that*, the request need not be in writing if the subject individual makes his request in person and the responsible Department official corrects or amends the record at that time. The subject individual shall specify in each request:

(1) The system of records from which the record is retrieved;

(2) The particular record which he is seeking to correct or amend;

(3) Whether he is seeking an addition to or a deletion or substitution of the record; and,

(4) His reasons for requesting correction or amendment of the record.

(b) A request for correction or amendment of a record will be acknowledged within 10 working days of its receipt unless the request can be processed and the subject individual informed of the responsible Department official's decision on the request within that 10 day period.

(c) If the responsible Department official agrees that the record is not accurate, timely, or complete based on a preponderance of the evidence, the record will be corrected or amended. The record will be deleted without regard to its accuracy, if the record is not relevant or necessary to accomplish the Department function for which the record was provided or is maintained. In either case, the subject individual will be informed in writing of the correction, amendment, or deletion and, if accounting was made of prior disclosures of the record, all previous recipients of the record will be informed of the corrective action taken.

(d) If the responsible Department official does not agree that the record should be corrected or amended, the subject individual will be informed in writing of the refusal to correct or amend the record. He will also be informed that he may appeal the refusal to correct or amend his record to the appropriate appeal authority listed in § 5b.8 of this Part. The appropriate appeal authority will be identified to the subject individual by name, title, and business address.

(e) Requests to correct or amend a record governed by the regulation of another government agency, e.g., Civil Service Commission, Federal Bureau of Investigation, will be forwarded to such government agency for processing and the subject individual will be informed in writing of the referral.

§ 5b.10 Parents and guardians.

For the purpose of this part, a parent or guardian of any minor or the legal guardian or any individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction is authorized to act on behalf of an individual or a subject individual. Except as provided in paragraph (b)(2) of § 5b.5 of this Part governing procedures for verifying an individual's identity, and paragraph (c) (2) of § 5b.6 of this part governing special procedures for notification of or access to a minor's medical records, an individual authorized to act on behalf of a minor or legal incompetent will be viewed as if he were the individual or subject individual.

Conditions of Disclosure Section of the Privacy Act, 5 U.S.C. 552a(b)

"(b) Conditions of Disclosure—No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be—

"(1) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

"(2) Required under section 552 of this title [the Freedom of Information Act];

"(3) For a routine use as defined in * * * [The Privacy Act and described in the routine use section of the specific notices of systems of records published in the Federal Register];

"(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

"(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

"(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator or General Services or his designee to determine whether the record has such value;

"(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

"(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office; or

"(11) Pursuant to the order of a court of competent jurisdiction.

System Number and Name

Office of the Assistant Secretary for Management and Budget (ASMB)

*09-90-0001 Telephone Directory/Locator System, HHS/OS/ASMB/OMAS.

*09-90-0005 Safety Management Information System (HHS Accident, Injury, and Illness Reporting System), HHS/OS/ASMB/Office of Safety and Occupational Health.

*09-90-0023 Department Parking Control Policy, HHS/OS/ASMB/FE.

*09-90-0024 Accounting Records of Payments to Individuals From Agency and Regional Financial Management and Disbursing Office, HHS/OS/ASMB 1.

09-90-0025 Central Registry of Individuals Doing Business with, HHS/OS/ASMB 2.

Office of the Inspector General (OIG)

09-90-0002 Investigatory Material Compiled for Security and Suitability Purposes, HHS/OS/OIG.

*Systems are Department wide with Office of the Secretary policy guidance, but with local operational control.

09-90-0003 Criminal Investigative Files of the Inspector General, HHS/OS/OIG.
09-90-0078 Temporary Matching File, HHS/OS/OIG.
09-90-0079 Welfare Fraud Detection File, HHS/OS/OIG.
09-90-0101 Health Care Program Violations, HHS/OS/OIG.
09-90-0102 Federal Personnel/HHS or HHS Funded Benefit and Loan Temporary Matching File, HHS/OS/OIG.

Office of the Assistant Secretary for Legislation (OASL)

09-90-0027 Congressional Correspondence Unit, HHS/OS/ASL.

09-90-0072 Congressional Grants Notification Unit, HHS/OS/ASL.

Office of the Assistant Secretary for Public Affairs (ASPA)

*09-90-0028 Biographics and Photographs of HHS Officials, HHS/OS/ASPA.

*09-90-0058 Freedom of Information Case File and Correspondence Control Index, HHS/OS/ASPA/FOIA.

Executive Secretariat (ES)

09-90-0037 Secretary's Correspondence Control System, HHS/OS/ES.

09-90-0038 Secretary's Official Files, HHS/OS/ES.

09-90-0080 The Secretary's Advisory Committee Candidate Files, HHS/OS/ES.

Office of Consumer Affairs (OCA)

09-90-0041 Consumer Mailing List, HHS/OS/OCA.

09-90-0046 Consumer, Complaint Correspondence System, HHS/OS/OCA.

Office for Civil Rights (OCR)

09-90-0050 Case Information Management System, HHS/OS/OCR.

09-90-0051 Complaint Files and Log, Office of Management and Administration, HHS/OS/OCR/OMA.

Office of General Counsel (OGC)

09-90-0062 Administrative Claims, HHS/OS/OGC.

09-90-0064 Litigation Files, Administrative Complaints, and Adverse Personnel Actions, HHS/OS/OGC.

09-90-0065 Conflict of Interest—Standards of Conduct Records, HHS/OS/OGC.

09-90-0066 OGC Attorney Applicant Files, HHS/OS/OGC.

09-90-0067 Invention Reports Submitted to the Department of Health and Human Services by its Employees, Grantees and Fellowship Recipients, and Contractors, HHS/OS/OGC.

09-90-0068 Federal Private Relief Legislation, HHS/OS/OGC.

09-90-0071 Social Security Code Cards, HHS/OS/OGC.

Office of Child Support Enforcement (OCSE)

09-90-0074 Federal Parent Locator System, HHS/OCSE.

Office of Assistant Secretary for Planning and Evaluation (ASPE)

- 09-90-0082 Pennhurst Longitudinal. Also called Court ordered deinstitutionalization of Pennhurst, HHS/OS/ASPE.
- 09-90-0086 Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/ASPE.
- 09-90-0087 Recipient Survey for the Monthly Reporting and Retrospective Accounting Study, HHS/OS/ASPE.
- 09-90-0088 National Long-Term Care Channeling Demonstration (NLTCDD), HHS/OS/ASPE.
- 09-90-0089 National Long-Term Care Survey, HHS/OS/ASPE.
- 09-90-0090 Recipient Survey of Alternative Approaches to Financing Day Care for AFDC Children, HHS/OS/ASPE.

Region I, Administration Support Center (ASC)

- 09-90-0075 MBTA Prepaid Pass Program Participants, HHS/ROI/ARD.

Region IX, Office of Regional Director (ORD)

- 09-90-1101 Optional Form 55 Cards Issuance Log, HHS/OS/RIX/ORD/DAS

Office of the Assistant Secretary for Management and Budget (ASMB)

09-90-0001

SYSTEM NAME:

Telephone Directory/Locator System, HHS/OS/ASMB/OMAS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Operating Offices and Facility Complexes of the Department—Employee Locators and Offices of Administrative or Management Services.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Department and vendor or other Federal employees located in Department operating offices and facility complexes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, agency office address, agency mailing address, telephone number, standard administrative code, and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 40 U.S.C. 486(c).

PURPOSE(S):

The records are used to develop and maintain current employee locator and directory listings. The locator listings are used by the HHS information centers, mailrooms, and others specifically for the purpose of locating employees and for routing mail. The

directory listings are used to produce departmental telephone directories on an as needed basis.

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

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Various stored in card files, computer printouts, paper forms, magnetic tape.

RETRIEVABILITY:

Alphabetically by employee name in certain instances, also by agency and/or title. Some large systems use the SSN as control to update, change or delete information on individuals no longer within this system of records.

SAFEGUARDS:

Only authorized personnel have access to master lists which contain social security numbers.

RETENTION AND DISPOSAL:

Retained as long as individual is employed by or associated with the Department, then information deleted from files by appropriate method.

SYSTEM MANAGER(S) AND ADDRESS:

Telecommunications management officials of the Department—See Appendix.

NOTIFICATION PROCEDURE:

Direct inquiries to appropriate systems manager identified in Appendix.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in

accordance with Department Regulations (45 CFR 5b.5(a)(2)), Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7), Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Individual employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Department Policy Coordinator:
Telecommunications Management Officer,
Department of Health and Human Services,
Office of the Assistant Secretary for
Management and Budget, Office of
Management Analysis and Systems, 200
Independence Avenue, S.W., Washington, DC
20201.

PHS Policy Coordinator:
Telecommunications Management Officer,
Office of the Assistant Secretary for Health,
Office of Management, Office of Organization
and Management Systems, Division of
Management Sciences and Systems, 5600
Fishers Lane, Rockville, MD 20857.

Operating System Managers:
Office of the Secretary, Deputy Director,
Division of Administrative Services, Office of
Management Services, 330 Independence
Ave., S.W., Room 1739, Washington, DC
20201.

Human Development Services, Director,
Division of Administrative Services, 200
Independence Ave., S.W., Room 309B,
Washington, DC 20201.

Public Health Service, Chief,
Communications Section, Administrative
Services Center, 5600 Fishers Lane, Rockville,
MD 20857.

Public Health Service, Centers for Disease
Control, Chief, Communications Records and
Space Branch, 1600 Clifton Road, Atlanta, GA
30333.

Public Health Service, Food and Drug
Administration, Chief, Services Management
Section, Division of Management Services,
5600 Fishers Lane, Rockville, MD 20857.

Public Health Service, Chief, General
Services Branch, USPHS Hospital, Carville,
LA 70721.

Health Care Financing Administration,
Director, Division of Communications
Services, 591 East High Rise Bldg., 6325
Security Blvd., Baltimore, MD 21207.

Social Security Administration,
Communications Systems Branch, 6401
Security Boulevard, Room 1-N-9—Annex,
Baltimore, MD 21235.

Region I, HHS Director, Division of Administrative Services, JFK Federal Building, Boston, MA 02203.

Region II, HHS Director, Division of Administrative Services, 26 Federal Plaza, New York, NY 10007.

Region III, HHS Director, Division of Administrative Services, 3535 Market Street, Philadelphia, PA 19101.

Region IV, HHS Director, Division of Administrative Services, 101 Marietta Tower, Suite 1502, Atlanta, GA 30323.

Region V, HHS Director, Division of Administrative Services, 300 South Wacker Drive, Chicago, IL 60606.

Region VI, HHS Director, Division of Administrative Services, 1200 Main Tower, Dallas, TX 75202.

Region VII, HHS Director, Division of Administrative Services, 601 East 12th Street, Kansas City, MO 64106.

Region VIII, HHS Director, Division of Administrative Services, 1961 Stout Street, Denver, CO 80294.

Region IX, HHS Director, Division of Administrative Services, 50 United Nations Plaza, San Francisco, CA 94102.

Region X, HHS Director, Division of Administrative Services, 1321 Second Avenue, Seattle, WA 98101.

09-90-0005

SYSTEM NAME:

Safety Management Information System (HHS Accident, Injury and Illness Reporting System). HHS/OS/ASMB/OFE/OSOH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At Departmental, Regional and Headquarters facilities (see Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. HHS Employees, including both civilian and commissioned corps personnel, who are involved in an accident which arises out of and in the course of their employment whether occurring on HHS premises or not and results in:

- A fatality.
- Lost workdays beyond the day in which the accident occurred.
- Nonfatal injuries which result in transfer to another job, termination of employment, medical treatment other than first aid, loss of consciousness or restriction of work or motion.
- A possible tort claim.
- A claim for compensation.
- Property damage in excess of \$50.00.
- Interrupts or interferes with the orderly progress of work of other employees.
- Radiation over exposure.

i. Biological exposure resulting in lost time of accidental release of biologicals where the public may be over-exposed.

2. Visiting scientists, contractor personnel, hospitalized patients, outpatients, employees of other Federal agencies, state or local governments or members of the public who suffer injury, illness or property damage on or in HHS premises or as a result of HHS activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of information and supporting documentations resulting from the reporting and investigation of accidents which have resulted in injury, illness, property damage or the interruption or interference with the orderly progress of work. The records contain information about individuals involved in or experiencing accidents including but not limited to the severity of the injury, whether consciousness was lost, the type of injury, culmination of any injury, days lost from work if any, the nature of the injury, illness or disease, the body part affected, causal factors, weather factors, agency of accident, whether unsafe mechanical, physical, or personal acts or factors were involved, the accidents area of origin and if fire was involved, the type and form of materials involved. Property damage (both public and private) is noted through the property sequence number, who owned the property involved, property damage and actual or estimated monetary loss, the HHS installation number if appropriate and the year of manufacture or construction if appropriate. Identifiers relating to a particular accident include the organization, case number assigned, date and time of occurrence, state or territory, site, type and classification of accident, estimated amount of tort claims if appropriate, name of individual(s) involved, the social security number, sex, age, grade series and level, CSC series, address, other Departments notified of accident, duty status, activity at time of accident and time on duty before accident. Management's evaluation and corrective action taken or proposed is also noted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 19 of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596); U.S.C. 7902; 29 CFR Part 1960; Executive Order No. 12196.

PURPOSE(S):

The purpose of the system is to comply with the reporting and statistical analyses requirements of section 19 of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596) as amended [29

U.S.C. 668]; U.S.C. 7902; 29 CFR Part 1960; Executive Order 12196 and such other purposes as are described under routine uses of this system notice. The Safety Management Information System is a Department-wide system utilized by all organizational components of the Department. Thus in addition to the routine uses subsequently noted in this system notice there may be other ad hoc disclosures within the Department on an official business "need to know" basis.

- Establish a written record of the causes of accidents.
- Provide information to initiate and support corrective or preventive action.
- Provide statistical information relating to accidents resulting in occupational injuries, illnesses, and/or property damage.
- Provide management with information with which to evaluate the effectiveness of safety management programs.
- Provide the means for complying with the reporting requirements of Section 19 of the Occupational Safety and Health Act of 1970 and such other reporting requirements as may be required by legislative or regulatory requirements.
- Provide such other summary descriptive statistics and analytical studies as necessary in support of the function for which the records are collected and maintained including general requests for statistical information without personal identification of individuals.
- Information in these records is used by or may be disclosed to: a. The Office of Safety and Occupational Health, Office of the Secretary, HHS in the review of accident experience data to determine the adequacy of corrective actions, the effect of codes, standards and guides, the consolidation, summarization and dissemination of accident experience data throughout HHS and other Government Departments and agencies as needed or required. b. The supervisor, administrative officer or other official initiating and accident report, including each succeeding reviewing official in the chain of command through which the report passes to insure that corrective action, as needed and appropriate, is taken. c. Appropriately appointed Safety Directors, Officers, or others with safety responsibilities within the Department in the verifying, assembling, analyzing, summarizing and disseminating data concerning the accident experience in their areas of responsibility and the initiation of appropriate corrective action.

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

A. To request from a Federal, state, local agency or private sources information relevant to the investigation of an accident and/or corrective action.

B. To respond to an inquiry from a member of Congress made on behalf of a constituent.

C. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

D. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

E. In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the

statute, or rule, regulation or order issued pursuant thereto.

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

STORAGE:

Records are or may be maintained on magnetic tapes, punchcards, lists, forms, discs, computer storage, in file folders, binders and index cards.

RETRIEVABILITY:

1. At the Department level, the system is completely computerized with no other records normally maintained or retained in the Office of Safety and Occupational Health. Since individual identifiers such as name, case number, and social security number are not within the computer storage banks, special programming would be required to extract individual records based on case number. Normal output consists of statistical reports and surveys including those required by the Department of Labor and Statistical Analysis in support of the Department occupational safety and health program for dissemination to the Principal Operating Components, Regions and Staff Offices.

2. The Principal Operating Components of the Department, their sub-components, Regional Offices and Staff Offices may maintain original or copies of the accident reports and supporting documentation by name, social security number, case number or cross reference.

SAFEGUARDS:

Access to and use of those records is made available to those personnel having a legitimate need for the information (those whose duties require review or access) including inspecting or evaluating personnel. Records, which under the law, may not be disclosed such as information pertinent to national security or trade secrets are maintained separately, adequately safeguarded and released only in accordance with the law. When there is doubt regarding the release of information, the matter will be referred, in advance of release, to the Office of the General Counsel, HHS.

RETENTION AND DISPOSAL:

All accident reports, records, logs, and other information relating to an accident are retained by the Principal Operating Components and their agencies, the Regional Offices and the Office of the Secretary for at least five years following the end of the calendar year in which the accident occurred. Specific occupational safety and health standards (such as the standards, covering the handling of carcinogenic

chemicals) may be required to be kept for up to twenty years. Records may be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Safety and Occupational Health, Department of Health and Human Services, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should address their inquiries to one of the following as appropriate:

1. If employed or formerly employed in a HHS Regional Office, the Regional Occupational Safety and Health Manager of the Region involved (see list and addresses under appendix).

2. If employed or formerly employed in a HHS Principal Operating Component or sub-agency, a staff office or the Office of the Secretary, the Occupational Safety and Health Manager of the component where employed with the exception of the Food and Drug Administration (see list and addresses under appendix). The contact for the Food and Drug Administration is:

Privacy Act Coordinator, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

Individuals requesting information about this system of records should provide their full name, social security number, name and address of office and agency in which currently or formerly employed and the accident(s) case number if known.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access to or contest their records should contact the following in person or writing as appropriate; with the exception of Food and Drug Administration. See "Notification" above.

1. If employed or formerly employed in an HHS Regional Office, the Regional Occupational and Health Manager of the Region involved (see list and addresses under appendix).

2. If employed or formerly employed in an HHS Principal Operating Component or sub-agency, a staff office or the Office of the Secretary, the Occupational Safety and Health Manager of the component where employed. (See list and addresses under appendix.) Individuals requesting information in this system of records should provide their full name, social security number (on a purely voluntary basis), case number if known, time and

brief description of the accident in which they were involved and the name and address of office in which employed. (Access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information in this system is obtained from the following sources: (1) The individual to whom the record pertains; (2) witnesses to the accident; (3) investigation officials (Federal, state, local); (4) medical personnel seeing the individual as a result of the accident; (5) supervisory personnel; (6) reviewing officials; (7) personnel offices; (8) investigative material furnished by Federal, state, or local agencies; (9) on site observations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Region I, HHS Regional Safety and Occupational Health Manager, John F. Kennedy Federal Building—Room 1503, Government Center, Boston, Massachusetts 02203.

Region II, HHS Regional Safety and Occupational Health Manager, Federal Building—Room 3835, 26 Federal Plaza, New York, New York 10007.

Region III, HHS Regional Safety and Occupational Health Manager, 3535 Market Street, Philadelphia, Pennsylvania 19101.

Region IV, HHS Regional Safety and Occupational Health Manager, Suite 1503—101 Marietta Tower, Atlanta, Georgia 30323.

Region V, HHS Regional Safety and Occupational Health Manager, 300 South Wacker Drive—35th Floor, Chicago, Illinois 60606.

Region VI, HHS Regional Safety and Occupational Health Manager, 1200 Main Tower Bldg., Dallas, Texas 75202.

Region VII, HHS Regional Safety and Occupational Health Manager, 601 East 12th Street—Room 566, Kansas City, Missouri 64108.

Region VIII, HHS Regional Safety and Occupational Health Manager, 1961 Stout Street—Room 11037, Denver, Colorado 80202.

Region IX, HHS Regional Safety and Occupational Health Manager, Federal Office Building—Room 8, 50 United Nations Plaza, San Francisco, California 94102.

Region X, HHS Regional Safety and Occupational Health Manager, Arcade Plaza—Room 6003, 1321 Second Avenue, Seattle, Washington 98101.

Health Care Financing Administration: Safety Officer, A-1 Gwynn Oak Building, 1710 Gwynn Oak Avenue, Woodlawn, Md. 21207.

Social Security Administration: Director, Occupational Health Management, Rm. 8, Second Floor, Link Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235.

Office of the Secretary, HHS Safety Officer, 1073 HHS-N, Department of Health and Human Services, 330 Independence Avenue SW., Washington, D.C. 20201.

Public Health Service: Director, Division of Health Facilities Planning, Room 18-42—Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Alcohol, Drug Abuse, and Mental Health Administration: Safety Officer, Room 12C26—Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Center for Disease Control: Chief, Office of Biosafety, Bldg. 4—Room 232, 1600 Clifton Road NE., Atlanta, Georgia 30333.

Food and Drug Administration: Privacy Act Coordinator, Rockville, Maryland 20857.

Health Resources Administration: Safety Officer, Rm. 129, Federal Center Bldg. 2, 3700 East-West Highway, Hyattsville, Md. 20782.

National Institutes of Health: Chief, Occupational Safety and Health Branch, DS, ORS, Building 13, Room 3K04 9000 Rockville Pike, Bethesda Maryland 20205

09-90-0023

SYSTEM NAME:

Departmental Parking Control Policy and Records Systems. HHS/OS/ASMB/OFE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Director, Office of Facilities Engineering, Room 4700 North Building, HHS/Office of the Secretary, 330 Independence Ave., S.W., Washington, D.C. 20201. Offices of Manager for Parking Control at HHS facilities where parking is provided.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All HHS employees as well as any carpool member utilizing HHS parking facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes the following information on all persons applying for a parking permit: Name, office room number, office phone number, agency, home address, and automobile license number, and where applicable, physicians statement in support of handicapped parking assignments and

query to supervisors in support of handicapped parking assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

63 Stat. 377; 41 CFR 101-20.111.

PURPOSE(S):

To establish policy governing the acquisition and allocation of Federal parking facilities and the establishment and determination of charges to be paid for the use of such parking by Federal employees, contractor employees and other facility tenants.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in binders in file cabinets and/or magnetic tapes and disks as appropriate.

RETRIEVABILITY:

Records may be accessed by the various categories contained therein. The purpose of the Departmental Parking Policy is to provide standards for apportionment and assignment of parking spaces on Department-managed and Department-controlled property and on property assigned to the Department by GSA or any other Agency and to allocate and check parking spaces assigned to government vehicles, visitors, handicapped personnel, key personnel, car-pools, and others.

SAFEGUARDS:

Access to and use of these records are limited to personnel whose official duties require such access. Security Safeguards meet the requirements of Part 6, ADP System Security, of HHS's ADP System Manual A mini computer is maintained in a secured area with access limited to authorized personnel. Tapes and disc's are stored in locked cabinets.

RETENTION AND DISPOSAL:

Superseded policy materials are maintained by the Director, Office of Facilities Engineering for historical purposes; Records at other HHS locations are maintained until the Parking Control purpose has been met and the records are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Facilities Engineering, Room 4700 North Building, HHS/Office of the Secretary, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Access to these records may be obtained by request in writing to: Office of Manager for Parking Control at HHS facility where the HHS parking is provided.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Records are developed from information supplied by applicants and for handicapped parking assignments, by physicians and supervisors.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

OS-90-0024

SYSTEM NAME:

Accounting records of Payments to Individuals from Agency and Regional

Financial Management and Disbursing Offices. HHS/OS/ASMB 1.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See appendix 1.

Memoranda copy of claims submitted for reimbursement of travel and other expenditures while on official business may also be maintained at the administrative office of the HHS employee.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons authorized to travel on official HHS business; persons awarded an HHS grant, contract or loan; persons authorized travel and salary, and housing allowances advances; and consultants furnishing administrative and miscellaneous services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, identification number, address, purpose of payment, accounting classification and amount paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1950 (Pub. L. 81-784).

PURPOSE(S):

These records are an integral part of the accounting systems at principal operating component, agency, regional office and specific area locations. The records are used to keep track of all payments to individuals, exclusive of salaries and wages, based upon prior entry into the systems of the official commitment and obligation of government funds. In the event of an overpayment to an individual, the record is used to establish a receivable record for recovery of the amount claimed. The records are also used internally to develop reports of taxable income on certain travel related payments to the Internal Revenue Service and to state and local taxing officials. Direct access to these records is restricted to authorized persons in performance of official duties. This is a Department-wide notice covering payments made from all locations listed in Appendix 1.

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

To the Treasury Department for check preparation; to members of Congress concerning a federal financial assistance program.

In the event the Department deems it desirable or necessary, in determining

whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

In the event of litigation where the defendant is (a) the Department any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effect defense provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a congressional office made from the

record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Hard copy documents are manually filed at agency and regional office sites; and on disc pack and magnetic tape at central computer sites.

RETRIEVABILITY:

This varies according to the particular operating accounting system within the Agency and Regional Office. Usually the hard copy document is filed by name within accounting classification. Computer records may be indexed by social security number and voucher number. Intra-departmental uses and transfers concern the validation and certification for payment, and for HHS internal audits.

SAFEGUARDS:

Safeguards to insure integrity of record, and that required to provide protection against loss by accident of carelessness.

RETENTION AND DISPOSAL:

Records are purged from automated files once the accounting purpose has been served; printed copy and manual documents are retained and disposed of in accord with General Accounting Office principles and standards.

SYSTEM MANAGER(S) AND ADDRESS:

See appendix 2.

NOTIFICATION PROCEDURE:

Inquiries are to be made, either in writing or in person, to the organizations listed under "Location" in appendix 1, with the exception of Food and Drug Administration contact:

FDA Privacy Coordinator (HF-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Given name and social security number, purpose of payment (travel, grant, etc.) and, if possible, the agency accounting classification.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the

record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Travel vouchers submitted by the individual; grant, contract or loan award document; consultant invoice of services rendered; and application for travel advance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Location

Payments to Individuals records are located at the following HHS Regional Offices:

Regional Office 01, John F. Kennedy Federal Bldg., Government Center, Boston, MA 02203.

Regional Office 02, 26 Federal Plaza, New York, NY 10007.

Regional Office 03, 3535 Market Street, P.O. Box 13716, Philadelphia, PA 19101.

Regional Office 04, 101 Marietta Tower, Atlanta, GA 30323.

Regional Office 05, 300 South Wacker Drive, Chicago, IL 60606.

Regional Office 06, 1200 Main Tower, Dallas, TX 75202.

Regional Office 07, Federal Office Bldg., 601 East 12th Street, Kansas City, MO 64106.

Regional Office 08, 19th & Stout Streets, Denver, CO 80294.

Regional Office 09, Federal Office Buildings, 50 United Nations Plaza, San Francisco, CA 94102.

Regional Office 010, Arcade Plaza Bldg., 1319 Second Avenue, Seattle, WA 98101.

Payments to Individuals records are located at the following HHS Agency Headquarters and Field Offices:

Office of the Secretary (to include Office of Human Resources records), Hubert H. Humphrey Bldg., 200 Independence Ave., SW., Div. of Accounting Operations, Washington, DC 20201.

Health Services Adm., Office of Fiscal Services, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

Health Services Administration U.S. Public Health Service, Bureau of Medical Services, 5600 Fishers Lane, Rockville, MD 20857.

Health Services Adm., Addiction Research Center, Leestown Pike—Box 2000, Lexington, KY 40501.

Health Services Adm., National Hansen's Disease Center, Carville, LA 70721.

Health Services Adm., PHS Indian Health Area Office, Federal Office Bldg. and U.S. Court House, 500 Gold Avenue SW., Albuquerque, NM 87101.

Health Services Adm., PHS Indian Health Area Office, 338 Post Office and Court House Bldg., Oklahoma City, OK 73102.

Health Services Adm., Aberdeen Area Office, Indian Health Service, Federal Bldg., Aberdeen, SD 57401.

Health Services Adm., 03 at 7th West Central Avenue, Post Office Box 2143, Billings, MT 59103.

Health Services Adm., PHS Indian Health Area Office, 801 East Indian School Road, Phoenix, AZ 85014.

Health Services Adm., Alaska Area Native Health Service, Post Office Box 7-741, Anchorage, AK 99510.

Public Health Service, Nat'l Institute for Occupational Safety and Health, CDC, 532 U.S. Post Office and Courthouse Bldg., Cincinnati, OH 45202.

Food and Drug Adm., HFA-120, 5600 Fishers Lane, Rockville, MD 20857.

Food and Drug Adm., 880 W. Peachtree St., NW., Atlanta, GA 30309.

Food and Drug Adm., 585 Commercial Street, Boston, MA 02109.

Food and Drug Adm., 599 Delaware Avenue, Buffalo, NY 14202.

Food and Drug Adm., Room 700—Federal Office Bldg., 650 3rd Avenue (at 30th Street), Brooklyn, NY 11232.

Food and Drug Adm., 20 Evergreen Pl., East Orange, NJ 07018.

Food and Drug Adm., Room 1204, U.S. Customhouse, 2nd and Chestnut Streets, Philadelphia, PA 19106.

Food and Drug Adm., 900 Madison Avenue, Baltimore, MD 21201.

Food and Drug Adm., P.O. Box S-4427, San Juan, P.R. 00905.

Food and Drug Adm., Room 1222, Main Post Office Bldg., 433 West Van Buren Street, Chicago, IL 60607.

Food and Drug Adm., 1560 East Jefferson Avenue, Detroit, MI 48207.

Food and Drug Adm., 1141 Central Parkway, Cincinnati, OH 45202.

Food and Drug Adm., 240 Hennepin Avenue, Minneapolis, MN 55401.

Food and Drug Adm., 3032 Bryan Street, Dallas, TX 75204.

Food and Drug Adm., Room 222, U.S. Customhouse Building, 423 Canal Street, New Orleans, LA 70130.

Food and Drug Adm., National Center for Toxicological Research, Jefferson, AR 72079.

Food and Drug Adm., 1009 Cherry Street, Kansas City, MO 64106.

Food and Drug Adm., Room 1002, U.S. Courthouse and Courthouse Building, 1114 Market Street, St. Louis, MO 63101.

Food and Drug Adm., Room 573, New Customhouse Building, 721 19th Street, Denver, CO 80202.

Food and Drug Adm., Room 518, Federal Office Building, 50 Fulton Street, San Francisco, CA 94102.

Food and Drug Adm., 1521 West Pico Boulevard, Los Angeles, CA 90015.

Food and Drug Adm., 5003 Federal Office Bldg., 909 First Avenue, Seattle, WA 98174.

National Institutes of Health, Operations Accounting Branch, Bldg. 31, Room B1B07, 9000 Rockville Pike, Bethesda, MD 20014.

National Institutes of Health, Rocky Mountain Laboratory, Hamilton, MT 59840.

National Institutes of Health, Public Health Hospital, 15th Avenue and Lake Street, San Francisco, CA 94118.

Alcohol, Drug Abuse, and Mental Health Administration, Saint Elizabeths Hospital, Finance Office, Administration Bldg., Washington, DC 20032.

Social Security Administration, Program and Fiscal Operations Offices, Post Office Box 47, Baltimore, MD 21203.

Social Security Administration, Bureau of Supplemental Security Income, 4-M-5 Annex Bldg., Baltimore, MD 21235.

Social Security Administration, Bureau of Disability Payments, 1506 Woodlawn Drive, 1J2, Baltimore, MD 21241.

Social Security Administration, Northeastern Program Center, 9605 Horace Harding Expressway, Flushing, NY 11368.

Social Security Administration, Midatlantic Program Center, 401 North Broad Street, Philadelphia, PA 19108.

Social Security Administration, Southeastern Program Center, 225 Third Avenue North, Birmingham, AL 35285.

Social Security Administration, Great Lakes Program Center, 165 North Canal Street, Chicago, IL 60606.

Social Security Administration, MidAmerica Program Center, 601 East 12th Street, Kansas City, MO 64106.

Social Security Administration, Western Program Center, Post Office Box 100, San Francisco, CA 94101.

Health Care Financing Administration, Gwynn Oak Building, 1710 Gwynn Oak Avenue, Baltimore, MD 21235.

For Payments to Individuals records at the following central payments office for grants and contracts:

Office of the Secretary, Federal Assistance Financing Branch, Box 6021, Rockville, MD 20857.

Appendix 2

System Manager, Departmental principles and standards concerning the system of records are the responsibility of:

Department of Health, and Human Services, Assistant Secretary for Management and Budget.

Office of the Secretary, Room 510A, Humphrey Building, Washington, DC 20201.

Operational responsibilities are as follows: For Payments to Individual records at Departmental and Regional Office:

HHS, Office of Secretary and Regional Offices, Office of Secretary, Deputy Assistant Secretary, Finance, Room 70D1, Humphrey Building, Washington, DC 20201.

For payments to Individual records at Principal Operating Component Offices:

Health (HSA, CDC, FDA, NIH, ADAMHA, HRA, ASH)

Public Health Service, Director, Division of Financial Management, Room 18-17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Social Security Administration, Director, Office of Financial Management, Room 840 Annex Social Bldg., Baltimore, MD 21235.

Office of Human Development, Services Director, Office of Management Services, Room 309D, HHH Building, 200 Independence Ave., S.W., Washington D.C. 20201

Health Care Financing, Administration Director, Office of Management and Budget, Room 4406, HHS North Building, 300 Independence Ave., S.W., Washington D.C. 20201.

09-90-0025

SYSTEM NAME:

Central Registry of Individuals Doing Business With HHS, HHS/OS/ASMB 2.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Financial Operations and Fiscal Procedures, Room 739D1, Humphrey Building, 200 Independence Avenue, S.W., Washington, DC 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the recipients of Federal Domestic Assistance Grants, or of contracts awarded by HHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

An index of names, addresses and identification number (SSN) of the individual doing business with HHS. No other personally identifiable data are maintained. The index is termed public information since data relative to Federal Domestic Assistance and Contracts are public information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

This registry is maintained to provide a standard code to uniquely identify entities, including individuals, together with mailing address and other characteristic data to all principal operating components, agencies, regional offices and staff offices of the Department. The use of a single code per entity in all Departmental data systems enhances communication with an entity, as well diminishing the need to maintain duplicative data and files at various locations. Major categories of entities in the central file are those awarded contracts and awarded grants under Federal Domestic Assistance programs. Only those persons in the Department with a "need to know" have access to

the published registry and to the automated records.

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

a. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

b. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

c. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

d. A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

e. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights

Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

f. Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission records in this system of records may be disclosed to such organization.

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

STORAGE:

Hard copy code booklets are manually filed at agency and regional office sites; and on disc pack and magnetic tapes at central computer sites.

RETRIEVABILITY:

Record may be found in the Code Book by either name or social security number; record in the disc pack and on magnetic tape is indexed by social security number. The Code Book provides a listing of data processing numbers for grant, contract and financial transactions. These numbers are used to access the name and address of the individual in the Automated Library (Central Registry). The information is used for check preparation, reports, mailings, etc.

SAFEGUARDS:

Safeguards to insure integrity of records, and that required to provide protection against loss by accident or carelessness.

RETENTION AND DISPOSAL:

Records are purged from the automated file each two years; only persons actively dealing with HHS remain on file. Code Books are replaced each year. Inactive books are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary, Finance, Department of HHS, Office of the Secretary, Room 705D1, Humphrey Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Inquiries are to be made, either in writing or in person, to the organization listed under "location". Give name and social security number.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department

Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Location, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Grant and Contract documents. Names, social security numbers and addresses are provided by the individual when applying for a grant or contract from the Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of the Inspector General (OIG)

09-90-0002

SYSTEM NAME:

Investigatory Material Compiled for Security and Suitability Purposes, HHS/OS/OIG.

SECURITY CLASSIFICATION:

None for the system; however, a portion of the records within the system are classified at the level of Confidential and Secret.

SYSTEM LOCATION:

Security and Protection Division, Room 523B, Humphrey Building, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective, current, and, former employees and others doing business with the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel Security and suitability investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 10450 and 12356.

PURPOSE(S):

Records in this system are maintained to assist the Secretary and other responsible officials in determining whether the appointment and retention of HHS employees is clearly consistent with the national security and whether they are otherwise suitable for employment. This system contains records of certain applicants to and

employees of each Department component. See also "Retrievability" below.

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

These records may be used as follows:

(1) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(3) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(4) Disclosure may be made to a congressional office from the record of

an individual in response to an inquiry from the congressional office made at the request of that individual.

(5) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records are maintained in security type vaults or safes or lock bar file cabinets with manipulation proof combination locks.

RETRIEVABILITY:

The records are alphabetically indexed by name and date of birth of the individual subject of the file or by cross reference to another file. Access within HHS is limited to the Secretary, and on a need-to-know basis to other Department officials having program management responsibility.

SAFEGUARDS:

Direct access is restricted to authorized OIG staff; access within HHS is limited to the Secretary, Under Secretary and other officials and employees on a need-to-know basis. Access to the safes in which the records are stored is limited to those OIG employees with appropriate security clearances and the lock combination.

RETENTION AND DISPOSAL:

Security investigative records on individuals who occupy sensitive positions are maintained during the term of their employment. Other security and suitability investigative records are maintained for ten years if subject to EO 10450. Other files may be destroyed after three years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Security and Protection
Division, Office of Investigations,
OIG, Room 523B, Humphrey Bldg.,
U.S. Department of Health and

Human Services, 200 Independence
Avenue, S.W., Washington, D.C.
20201.

NOTIFICATION PROCEDURE:

Exempt. However, consideration will be given requests addressed to the system manager. For general inquiries, include the name and date of birth, and employment or other affiliation with the Department.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Exempt. However, consideration will be given requests addressed to the systems manager. Requests for correction should reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

Federal, state or local agencies maintaining civil, criminal, suitability or other relevant enforcement information or other pertinent information correspondence and material or data obtained during the course of the conduct of the investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exempt from certain provisions of the Act under 5 U.S.C. 552a(k)(5). Pursuant to 45 CFR 5b.11(b)(2)(iv)(A), this system is exempt from the following subsections of the Act: (c)(3), (d)(1)-(4), and (e)(4) (G) and (H).

09-90-0003

SYSTEM NAME:

Criminal Investigative Files of the
Inspector General HHS/OS/OIG.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Inspector General, HHS
Room 5246 North Bldg., 330
Independence Ave., SW., Washington,
D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, former employees, grantees, contractors, sub-contractors, carriers, State agencies, State employees, providers and recipients under HHS programs, providers and recipients under State programs funded by the Department and others doing business with the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Criminal Investigation Files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 535(b), 18 U.S.C.; Pub. L. 94-505, Oct. 15, 1976.

PURPOSE(S):

Pursuant to Pub. L. 94-505, this system is maintained for the purposes of conducting and documenting investigations conducted by OIG or other investigative agencies regarding HHS programs and operations, documenting the outcome of OIG reviews of allegations and complaints received concerning HHS programs operations, aiding in prosecutions brought against the subjects of OIG investigations, maintaining a record of the activities which were the subject of investigations, reporting the results of investigations to other Departmental components for their use in operating and evaluating their programs and in imposition of civil or administration sanctions, and acting as a repository and source for information necessary to fulfill the reporting requirements of 42 U.S.C. 3524

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

a. In the event that this system of records, maintained by this Agency to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto where such responsibility rests outside of OIG.

b. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

c. A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision

concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

d. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

e. In the event that this system of records, maintained by this agency to carry out its function, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local, charged with the responsibility of investigating or prosecuting the statute, or rule regulation or order issued pursuant thereto where such responsibility rests outside OIG.

f. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

g. When the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system, relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

h. Disclosures may be made to organizations deemed qualified by the Secretary to carry out quality assessment.

i. There may also be disclosures in the course of employee discipline or competence determination proceedings.

j. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

k. In event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United

States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

l. A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining pertinent records, if necessary to obtain a record relevant to a Department decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

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

STORAGE:

The records, which take the form of index cards, investigative reports, computer disc files, and computer printed listings are maintained under secure conditions. Written documents are maintained in security type safes or lock bar file cabinets with manipulation proof combination locks. Computer disc files are on-line in guarded man-trapped dual door combination locked computer rooms.

RETRIEVABILITY:

The records are retrieved by manual or computer search of alphabetical indices or cross-indices. Indices list names of individuals, companies and organizations.

SAFEGUARDS:

Direct access is restricted to authorized staff members of the Office of Inspector General. Access within HHS is limited to the Secretary, Under-Secretary, Inspector General and other officials and employees on a need-to-know basis. Intra-agency transfers are made in accordance with the statement of Organization, Functions and Delegations of Authority as set out in a notice concerning the Office of Inspector General (42 FR 17531, April 1, 1977). All computer files and printed listings are safeguarded in accordance with the provisions of the National Bureau of Standards Federal Information Processing Standards 41 and 31, and the HHS, ADP Systems Manual, Part 6, "ADP Systems Security." All computer

discs are password protected, prohibiting unauthorized access. See also storage section of notice.

RETENTION AND DISPOSAL:

Investigative files are retained for 5 years after completion of the investigation and/or actions based thereon. Index and cross-reference cards are retained permanently. In instances of computer matching of files, only those records which meet predetermined criteria for investigation are maintained. All records which do not meet these criteria are destroyed. All original source computer tapes are returned or destroyed once computer matching has been accomplished.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General/Deputy Inspector General, Room 5262, North Building, U.S. Department of Health and Human Services, 330 Independence Avenue, SW, Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Exempt, however consideration will be given requests addressed to the system manager. For general inquiries include the name and date of birth of the individual.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under system manager(s) and address above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Departmental and other federal, state, and local government records; interviewers of witnesses; documents and other material furnished by nongovernment sources. Sources may include confidential sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

General exemption (j)(2), this system was formerly known as the Investigatory Materials compiled for Law Enforcement Purposes system. Pursuant to 45 CFR 5b.11, (b)(2)(i)(b), 40 FR 47413 (Oct. 8, 1975) this system is exempt from the following subsections of the Act (c)(3), (d)(1)-(4), (e)(3), and (e)(4)(G)(h).

09-90-0078

SYSTEM NAME:SSI/OPM Temporary Matching File,
HHS/OS/OIG**SECURITY CLASSIFICATION:**

None

SYSTEM LOCATION:Office of the Inspector General HHS,
Room 2111, SSA Annex, Baltimore,
Md. 21235.**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Federal employees covered under Office of Personnel Management Central Personnel Data File (CPDR) who are also included in the Supplementary Security Income (SSI) file of the Social Security Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Office of Personnel Management Central Personnel Data File extract including name of employee, date of birth, Social Security Number, work status, pay grade and duty station, and Supplementary Security Income Record File data including names, Social Security Number, address, SSI application data, disability data, income and resource data and payment data used in the administration of the SSI program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 94-505

PURPOSE(S):

This system of records is maintained to facilitate the comparison of records to identify those Federal employees who may also be receiving SSI benefits concurrently. This is in accordance with the statutory requirement in Pub. L. 94-505 that the Inspector General prevent and detect fraud and abuse in the Department's programs.

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

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with the responsibility of investigating

or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

A record from this system may be disclosed as a "routine use" to a Federal, State or local agency maintaining pertinent records if necessary to obtain a record relevant to a Department decision concerning the determination of initial or continuing eligibility for program benefits.

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

The records are stored on computer tape files and computer printed listings.

RETRIEVABILITY:

The records are retrieved by computer using Social Security Number as the principal matching criterion. We disclose the records within the Department to the Social Security Administration for investigation and redetermination of SSI benefits.

SAFEGUARDS:

Direct access is restricted to authorized staff members of the Office of the Inspector General. Access within HHS is limited to those employees who are directly involved in the matching program on a need-to-know basis. Computer files and printed listing are maintained in security type safes or lock bar file cabinets. They are safeguarded in accordance with the provisions of the National Bureau of Standards Federal Information Processing Standards 41 and 31, and the HHS Information Processing Standards, HHS ADP System Manual Part 6, "ADP Systems Security." All computer tapes are password protected prohibiting unauthorized access.

RETENTION AND DISPOSAL:

In instances of computer matching of files, only those records which meet predetermined criteria are maintained. All records which do not meet these criteria are destroyed. All original source computer tapes will be returned within 60 days. All records obtained as a result of the matching program will be degaussed as soon as possible within 6 months except for those records which are necessary to the completion of pending law enforcement activities or administrative activities of the matching program. Paper listings will be either shredded or burned.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General/Deputy Inspector General, Room 5262, North Building, U.S. Department of Health and Human Services, 330 Independence Avenue SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Contact: Privacy Act Officer, Office of the Inspector General, Department of Health and Human Services, Room 5267, North Building, 330 Independence Avenue SW., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURE:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Records are furnished from the Central Personnel Data File (CPDF) maintained by the U.S. Office of Personnel Management and from the Supplemental Security Income Record (SSR) maintained by the Social Security Administration, Department of Health and Human Services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0079

SYSTEM NAME:

Welfare Fraud Detection File, HHS/OS/OIG.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At headquarters and regional offices of the OIG Audit Agency, Department of Health and Human Services. See Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of the Aid to Families with Dependent Children (AFDC) program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of the AFDC recipient records maintained by the State Welfare Agencies. Records contain information on those individuals receiving AFDC payments for themselves or as a payee for dependent children under their guardianship. Records contain information on name, address, date of birth, social security number, sex, names of dependent children, their dates of birth and sex, and monthly grant amount.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 94-505, October 15, 1976.

PURPOSE(S):

This system of records is maintained to facilitate the development of a multiple fraud detection program for the Aid to Families with Dependent Children (AFDC) Program. The program

has as its major function the identification of cases which through misrepresentation are on the welfare rolls illegally.

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

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The record from this system may be disclosed as a "routine use" to a Federal, State, or local agency maintaining pertinent records if necessary to obtain a record relevant to a Department decision concerning the determination of initial or continuing eligibility for program benefits.

In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security

clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

When the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system, relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

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

The records are stored on computer tape files and computer printed listings.

RETRIEVABILITY:

The records in this system are retrieved by computer and manually using name or social security number.

SAFEGUARDS:

Access to and use of these records is restricted to those personnel having a legitimate need for the information including HHS Office of the Inspector General personnel and other relevant Departmental and State personnel. Access will be provided outside of the Office of the Inspector General only in those instances where additional information is needed from another agency (e.g., the Social Security Administration or the State Welfare Agency) or where referrals for investigation are warranted. All

computer files and printed listings are safeguarded in accordance with the provisions of the National Bureau of Standards Federal Information Processing Standards 41 and 31, and the HHS Information Processing Standards, HHS ADP Systems Manual, Part 6, "ADP Systems Security." All computer tapes are password protected prohibiting unauthorized access. Once the program is completed, all computer tapes will be returned to their source, erased or degaussed, and printed listings destroyed.

RETENTION AND DISPOSAL:

Records will be updated periodically and source computer tapes will be either returned to the States or destroyed. All computer work tapes will be erased or degaussed, and printed listings destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General/Deputy Inspector General, Room 5262, North Building, U.S. Department of Health and Human Services, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should address their inquiries providing their name and social security number to: Privacy Act Officer, Office of Inspector General, Department of Health and Human Services, Room 5267, North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requestors should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

State Welfare Agencies which maintain files of AFDC program recipients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

OIG Audit Agency, Room 5769, North Building, U.S. Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Region I:

OIG Audit Agency, Bulfinch Building, 15 New Chardon Street, Boston, Massachusetts 02114.

Region II:

OIG Audit Agency, Federal Building, 26 Federal Plaza, New York, New York 10007.

Region III:

OIG Audit Agency, 3535 Market Street, Gateway Building, Room 6100, Philadelphia, Pennsylvania 19101.

Region IV:

OIG Audit Agency, 101 Marietta Tower, Suite 1402, Atlanta, Georgia 30323.

Region V:

OIG Audit Agency, 300 South Wacker Drive, Chicago, Illinois 60606.

Region VI:

OIG Audit Agency, 1100 Commerce Street, Room 4-E10, Dallas, Texas 75242.

Region VII:

OIG Audit Agency, 601 East 12th Street, Kansas City, Missouri 64106.

Region VIII:

OIG Audit Agency, 1185 Federal Building, 1981 Stout Street, Denver, Colorado 80294.

Region IX:

OIG Audit Agency, Federal Office Building, Room 171, 50 United Nations Plaza, San Francisco, California 94102.

Region X:

OIG Audit Agency, Arcade Plaza Building, Room 6087, 1321 Second Avenue, Seattle, Washington 98101.

09-90-0101

SYSTEM NAME:

Health Care Program Violations, HHS/OS/OIG

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Inspector General, Office of Investigations, 330 Independence Avenue, S.W., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, institutions or other suppliers of health care services or items, who have been suspended, excluded, or debarred from any public or private health care assistance, insurance or casualty program or plan, or convicted of defrauding such a program or plan. The persons and organizations would include all types of physicians, nurses, pharmacists, dentists, therapists, pharmacies, hospitals, clinics, nursing homes, manufacturers and vendors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Public information on persons or organizations which have been convicted of fraud, suspended, excluded or debarred, including names, publicly available social security numbers, aliases and "doing-business-as," addresses, and other available unique identifiers related to fraud, waste and abuse; occupations and specialties, and institutional affiliations; types and dates of formal action (suspension, exclusion, debarment, indictment, conviction, acquittal, sentencing and reversals); sentences (incarceration, suspension, probation, public service, etc.) and amounts of fines; types of fraud, and service and amounts defrauded; program and program requirements violated; and sources of the information.

AUTHORITY FOR MAINTENANCE OF THIS SYSTEM:

Title II of Pub. L. 94-505.

PURPOSES:

To reduce fraud and abuse in health care programs by providing a clearinghouse of public information on persons suspended, excluded or debarred from health care programs, or convicted of violations of such programs.

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

1. Information maintained by this system may be disclosed, as a routine use, to Federal, State, local public and private agencies and organizations, as follows:

a. Agencies or organizations which reimburse or regulate reimbursement to persons or organizations for health-related services or items, to alert them to possible violations of their own payment programs or plans.

b. Agencies or organizations which license, certify or otherwise regulate the health-related activities of persons or organizations which provide health care service or items to alert them to possibly disqualifying actions, practices or conditions.

c. Agencies or organizations charged with investigating or prosecuting possible violations indicated in items a and b.

d. Upon request, agencies or organizations seeking information in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the

requesting agency's decision on the matter.

e. Professional and business organizations concerned with standards and conduct of persons engaged in providing health services and items.

f. Scholars or other researchers investigating trends and characteristics in the health care field.

2. Disclosure may be made to a Congressional office from the record of and individual in response to an inquiry from the Congressional office made at the request of that individual.

3. In the event of litigation where the defendant is (a) the Justice Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any other of its components; or (c) any Department employee in his or her individual capacity where the Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the record were collected.

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

STORAGE:

The records are stored on computer tape files and computer-printed listings.

RETRIEVABILITY:

The records are retrievable by agency-assigned case numbers, name, social security number, address, occupation, type of violation, program violated, service defrauded, institutional affiliation, and source of information.

SAFEGUARDS:

Direct access is restricted to authorized staff members of the Office of Inspector General (OIG). Computer files and printed listings are maintained in security type safes or lock bar file cabinets. They are safeguarded in accordance with the provision of the National Bureau of Standards Federal Information Processing Standards 41 and 31, and the HHS Information Processing Standards, HHS ADP Systems Manual, Part 6, "ADP Systems Security". All computer tapes are password protected prohibiting unauthorized access.

RETENTION AND DISPOSAL:

OIG maintains the records and files for three years, after which they are transferred to the Federal Records Center for an additional two years.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General/Deputy Inspector General, Department of Health and Human Services, 330 Independence Avenue SW., Room 5246, Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to: Mr. Phil Cogan, Department of Health and Human Services, 330 Independence Avenue SW., Room 5238, Washington, D.C. 20201.

RECORD ACCESS PROCEDURE:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedure above, and reasonably identify the record and specify the information to be contested, and the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Government and private agencies and organizations furnish records included in the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

08-90-0102

SYSTEM NAME:

Federal Personnel/HHS or HHS Funded Benefit and Loan Program Temporary Matching File HHS/OS/OIG.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Inspector General, DHHS, Room 5262, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal personnel (employees, retirees, and survivors) who are also included in HHS or HHS funded benefit and loan program record files.

CATEGORIES OF RECORDS IN THE SYSTEM:

Federal personnel records including name, social security number, date of birth, sex, work status, pay grade, duty station, OPM claim number, health benefit enrollment code, retirement date, annuity rate, pay status of case,

correspondence address, zip code, and HHS or HHS funded benefit and loan program records including name, social security number, date of birth, address, and data used to determine eligibility.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 94-505.

PURPOSE(S):

This system of records is maintained to facilitate the comparison of records to identify those federal employees, federal retirees, or their survivors who may also be receiving assistance under an HHS or HHS funded benefit or loan program. These records will then be used for the purpose of reviewing eligibility and identifying any debts owed under these programs.

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

These records may be used as follows:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, foreign, State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto where such responsibility rests outside of OIG.

2. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee or disciplinary or other administrative action concerning an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed to a Federal agency in connection with the hiring or retention of an employee or disciplinary or other administrative action concerning an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a

license, grant, or other benefit by the agency, to the extent that the record is relevant and necessary to the agency's decision on the matter.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

6. A record from this system may be disclosed as a "routine use" to a Federal, State, or local agency maintaining pertinent records if necessary to obtain a record relevant to a Department decision concerning the determination of initial or continuing eligibility for program benefits.

7. Disclosures may be made to the Office of Personnel Management or the Merit Systems Protection Board (including the Office of the Special Counsel) of information relevant and necessary to carrying out their functions.

8. Disclosures may be made to third party contacts where the party contacted may have information needed to establish or verify relevant information.

9. Disclosures may be made to Federal, State, and local agencies or to other agencies administering federally funded programs where necessary to take action with regard to individuals not entitled to program benefits or individuals delinquent on loan payments under federally funded programs.

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

STORAGE:

The records are stored on computer tape files and computer printed listings.

RETRIEVABILITY:

The records are retrieved by computer using Social Security Number as the principal matching criterion.

SAFEGUARDS:

Direct access is restricted to authorized staff members of the Office of the Inspector General. Access within HHS is limited to those employees who are directly involved in the matching program on a need-to-know basis. Computer files and printed listing are maintained in security type safes or lock bar file cabinets. They are safeguarded in accordance with the provisions of the National Bureau of Standards Federal Information Processing Standards 41 and 31, and the HHS Information Processing Standards, HHS ADP Systems Manual, Part 6, "ADP Systems Security." All computer tapes are password protected prohibiting unauthorized access.

RETENTION AND DISPOSAL:

In instances of computer matching of files, only those records which meet predetermined criteria are maintained. All records which do not meet these criteria are destroyed. All original source commuter tapes will be returned within 60 days. All records obtained as a result of the matching program will be degaussed as soon as possible within 6 months except for those records which are necessary to the completion of pending law enforcement activities or administrative activities of the matching program. Paper listings will be either shredded or burned.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General/Deputy Inspector General, Room 5246, North Building, U.S. Department of Health and Human Services, 330 Independence Avenue, SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Contact: Richard McGowan, Public Affairs Officer, Office of Inspector General, Department of Health and Human Services, Room 5267, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

Records are furnished from the Central Personnel Data File (CPDF) maintained by the Office of Personnel Management, from other Federal agency personnel records systems, and from HHS or HHS-funded program records systems.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of the Assistant Secretary for Legislation (ASL)

09-90-0027

SYSTEM NAME:

Congressional Correspondence Unit, HHS/OS/ASL.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 435G Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress indexed by name.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control information recording, direct inquiries and referrals of constituents' inquiries from Members of Congress, and responses to those inquiries, regarding the Department's activities, including, but not necessarily limited to: a. general program activities of the Department; b. individual case problems of named persons, families or institutions; c. employment or appointment interests. Control slips identifying the correspondent, the constituent on whose behalf the inquiry is made, the constituent's social security number if inquiry relates to a social security case, and a summary of the subject matter of the inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide response to inquiries from a member of Congress made on behalf of a constituent regarding the Department's activities, including, but not limited to general program activities of the Department.

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

Inquiries which do not pertain to HHS, but fall under the jurisdiction of

another Federal Agency, are transferred to that Agency with a request that a direct response be provided to the correspondent. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE RECORDS:

Maintained on magnetic (floppy) disks.

RETRIEVABILITY:

Records are indexed alphabetically by name of the Members of Congress. Inquiries are forwarded to the HHS Agency which has jurisdiction over the subject matter for preparation of a response.

SAFEGUARDS:

Records are kept in office with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are reviewed biannually, and maintained for two years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Congressional Liaison Office, Office of the Assistant Secretary for Legislation, Room 417 H Humphrey Bldg, 200 Independence Avenue, SW, Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

System Manager; address same as above. The name of the person who corresponded with the Department with reference to the constituent and the approximate date of that correspondence must be provided.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) *Federal Register*, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) *Federal Register*, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information in CCU files is provided by the correspondent and by the agency which prepares the final response.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0072

SYSTEM NAME:

Congressional Grants Notification Unit. HHS/OS/ASL

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATIONS:

Room 417 H Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notification form of grants or contract awards made by HHS. The form contains the name and address of the project director, the purpose of the grant or contract, and the HHS program involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide timely notification to members of Congress of HHS grants and contract awards being made in their Districts.

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

Disclosure may be made to a congressional office from the record of

an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components, or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORAGE, RECEIVING ACCESSING RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper files are maintained in standard file cabinets.

RETRIEVABILITY:

Files are indexed by States Congressional Districts with the name of the Congressional Representative of that District on the file. Records are retrieved by name. The staff uses this system for the following purposes: (1) To answer questions in the short term about amounts of HHS grant funds going into areas of the country according to congressional districts. (2) To verify that actual notification to members offices of awards has been made.

SAFEGUARDS:

These records are public information and available on request.

RETENTION AND DISPOSAL:

Grant notification files are discarded after two calendar years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Congressional Liaison, Office of the Assistant Secretary for Legislation, Room 417H HHH Bldg., 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Same as above. The Congressional District or name of the Congressional Representative of that district and the approximate date of the award must be provided.

RECORD ACCESS PROCEDURES:

Address same as above.

CONTESTING RECORD PROCEDURES:

Address same as above.

RECORD SOURCE CATEGORIES:

Agencies within the Department making the grant/contract awards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of the Assistant Secretary for Public Affairs (OASPA)

09-90-0028

SYSTEM NAME:

Biographies and Photographs of HHS Officials HHS/OS/ASPA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Assistant Secretary for Public Affairs, News Division, Room 638E, Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (see Appendix 1 following)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HHS employees in key management and technical positions, such as the Secretary, Under Secretary, Assistant Secretaries, Deputy Assistant Secretaries, Commissioners, Regional Directors, Deputy Regional Directors, Agency Heads, Unit Managers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical files consist of approved, printed personal and professional résumés and standard portrait pictures and biographical and professional questionnaires providing name, title, office location, telephone number, date of appointment to HHS, home address, home telephone, date of birth, place of birth, marital status, spouse's name, children's names, children's date of birth, education, military service, professional career data, professional affiliations, publications and articles authored, awards, citations, prizes and honors received, civic, social and fraternal associations, outside interests, such as hobbies, sports, recreation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

These records are maintained and made available to staff of the Department who have a need for Photographs or background information on top officials of HHS.

ROUTINE USES OF RECORD MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF EACH USE:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request to that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are maintained in individual and combined files and stored in standard five-drawer file cabinets in offices listed under System Location.

RETRIEVABILITY:

Records are indexed by the name in alphabetical order, of those in higher management and technical positions with the remainder combined in a 'miscellaneous' folder or folders. These records are made available to staff of the Department who have a need for photos of background information on these officials.

SAFEGUARDS:

Files are maintained in the offices of Public Affairs and requests are honored 'on a need to know' basis only.

RETENTION AND DISPOSAL:

Records are periodically updated as circumstances warrant relative to promotions, reassignment, resignations, death.

SYSTEM MANAGER(S) AND ADDRESS:

Same as in Location above and Appendix 1.

NOTIFICATION PROCEDURE:

Contact System Managers in areas where individual is employed. Addresses same as above with the exception of Food and Drug Administration, contact: FDA Privacy

Coordinator (HF-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information contained in the biographies comes from the individuals whose biographies they form and from other material furnished by agency public information offices. The biographies are cleared with the individuals whose biography they represent prior to release to the public and the news media.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Public Affairs Officer, Alcohol, Drug Abuse, and Mental Health Administration, Room 60-15, 5600 Fishers Lane, Rockville, Maryland 20857.

Public Affairs Officer, Center for Disease Control, Room 2067, Building 1, 1600 Clifton Road, Atlanta, Georgia 30333.

Public Affairs Officer, Food and Drug Administration, Room 15B42, 5600 Fishers Lane, Rockville, Maryland 20857.

Public Affairs Officer, Health Resources Administration, Room 1030, Center Building, 3700 East-West Highway, Rockville, Maryland 20782.

Public Affairs Officer, Health Services Administration, Room 14A55, 5600 Fishers Lane, Rockville, Maryland 20857.

Public Affairs Officer, National Institutes of Health, Room 309, Building I, 9000 Rockville Pike, Bethesda, Maryland 20014.

Director, Public Health Services, Office of Public Affairs, Room 721H, HHH Bldg., 200 Independence Ave., S.W., Washington, D.C. 20201.

Public Affairs Officer, Health Care Financing Administration, Room 4244 HHS North, Humphrey Building, 330 Independence Ave. S.W., Washington, D.C. 20201.

Public Affairs Officer, Social Security Administration, Rm 900 Altmeyer Bldg., 8401 Security Boulevard, Baltimore, Maryland 21235.

Public Affairs Officer, Department of Health and Human Services, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.

Public Affairs Officer, Department of Health and Human Services, Federal Building, 26 Federal Plaza, New York, New York 10007.

Public Affairs Officer, Department of Health and Human Services, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

Public Affairs Officer, Department of Health and Human Services, 101 Marietta Towers, Suite 1403, Atlanta, Georgia 30323.

Public Affairs Officer, Department of Health and Human Services, 300 South Wacker Drive, 35th Floor, Chicago, Illinois 60606.

Public Affairs Officer, Department of Health and Human Services, 1200 Main Tower Building, 11th Floor, Dallas, Texas 75202.

Public Affairs Officer, Department of Health and Human Services, 601 East 12th Street, Kansas City, Missouri 64106.

Public Affairs Officer, Department of Health and Human Services, 19th and Stout Sts., RM10006, Fed Ofc. Bldg., Denver, Colorado 80294.

Public Affairs Officer, Department of Health and Human Services, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102.

Public Affairs Officer, Department of Health and Human Services, 2901 Third Avenue, Seattle, Washington 98121.

09-90-0058

SYSTEM NAME:

Freedom of Information Case file and Correspondence Control Index, HHS/OS/ASPA/FOIA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Freedom of Information/Privacy Act Division, Room 118F Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201 (See Appendix 1 following).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or organizations requesting access to inspect and/or copy records of the Department under provisions of the Freedom of Information Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and other individually identifying information about the requestor and the records sought.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act, Pub. L. 93-402 (5 U.S.C. 552) HHS Public Information Regulation (45 CFR Part 5).

PURPOSE(S):

Records are used by Freedom of Information staff involved in correspondence and investigative processes, including appeals officials and members of the Office of General Counsel.

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

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

If the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Original or copy of incoming request and written response maintained in case file jackets and corresponding control log.

RETRIEVABILITY:

For the most part records are indexed by name of individual requestor. Records are available to FOI staff involved in correspondence and investigative processes, including appeals officials and members of the Office of General Counsel.

SAFEGUARDS:

Records are maintained in Conserva-File cabinets in the offices of the Freedom of Information Officers and public affairs officers throughout the Department with limited access.

RETENTION AND DISPOSAL:

Individual case files are maintained for two years and then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Freedom of Information, Privacy Act Division, Room 118-F, H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. (See Appendix I following).

NOTIFICATION PROCEDURE:

System Managers. Addresses same as above.

RECORD ACCESS PROCEDURE:

Access to these records may be obtained by request in writing or in person to FOI Officer and public affairs officers throughout the Department, addresses same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals and organizations making requests under the Freedom of Information Act or from components of the Department reporting on the handling of such requests for inclusion in the annual report to Congress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I

Office of Human Development Services, Director, Office of Public Affairs, Room 329-D HHH Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Public Health Service, Director, Office of Public Affairs, Room 721-H HHH Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Centers for Disease Control, Director, Office of Public Affairs, Atlanta, GA 30333. Food and Drug Administration, Associate Commissioner for Public Affairs, Room 15B42 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

National Institutes of Health, Associate Director for Communications, Building 1,

Room 309, 9000 Rockville Pike, Bethesda, MD 20205.

Social Security Administration, Director, Office of Information, Room 4J10, West Highrise Building, 6401 Security Blvd., Baltimore, MD 21235.

Health Care Financing Administration, Director, Office of Public Affairs, Room 4244, HHS North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Office of Community Services, 1200 19th Street, N.W., Washington, D.C.

Region I, Director of Public Affairs, J. F. Kennedy Federal Office Building, Government Center, Boston, MA 02203.

Region II, Director of Public Affairs, 26 Federal Plaza, New York, N.Y. 10007.

Region III, Director of Public Affairs, 3535 Market Street, P.O. Box 13716, Philadelphia, PA 19101.

Region IV, Director of Public Affairs, 101 Marietta Tower, Atlanta, GA 30323.

Region V, Director of Public Affairs, 300 South Wacker Drive, 35th Floor, Chicago, IL 60606.

Region VI, Director of Public Affairs, 1200 Main Tower Building, Dallas, TX 75202.

Region VII, Director of Public Affairs, 601 East 12th Street, Kansas City, MO 64106.

Region VIII, Director of Public Affairs, Room 10006, Federal Office Building, 19th and Stout Streets, Denver, CO 80294.

Region IX, Director of Public Affairs, 50 United Nations Plaza, San Francisco, CA 94102.

Region X, Director of Public Affairs, 1321 Second Avenue, Seattle, WA 98101.

Executive Secretariat (ES)

09-90-0037

SYSTEM NAME:

Secretariat Correspondence Control System. HHS/OS/ES.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 602C, Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contacted the Secretary, the Under Secretary, or other HHS officials, or who have been contacted in writing to them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control information from the Secretary's, Under Secretary's, or other HHS officials' correspondence to include a subject narrative, organization drafting the response, and type of action required from the Department. This information is contained on hardcopy printouts, computer magnetic tape, and computer disk units.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide for the Secretary, the Assistant Secretaries, and the Operating Divisions the capability to control, track and update document records as the documents are processed within the Department.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained as follows: hardcopy printouts are stored in standard file cabinets in a locked area; computer records are stored on either magnetic tape resident in a computer tape library, or, an on-line computer disk unit at the operational computer site.

RETRIEVABILITY:

Records are indexed chronologically by date of correspondence and also by name, subject and numerical control number. Records are available to staff responsible for preparation of responses to inquiries and to the staff of the Executive Secretariat(s). Records are used for control and reference purposes in staffing out issues and correspondence of concern to the Secretary, the Under Secretary, or operational divisions/staff office heads.

SAFEGUARDS:

Direct access is limited to the staff of the Executive Secretariat and OP DIV. staff control personnel to both hardcopy and computer resident records. Access

is limited during non-working hours to the hardcopy records to these individuals with keys to both the file cabinets and rooms where the records are stored. Remote computer terminal locations are protected with individual user identification numbers and passwords to the computer system. Where possible, computer terminal locations are locked during non-working hours.

RETENTION AND DISPOSAL:

Hard Copy records are retired to the National Archives after three years. Control records are maintained for three years. Computer records are purged after correspondence is finalized to a history file.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary to the Department, Room 636G, Humphrey Bldg., 200 Independence Avenue, S.W. Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager. The inquirer should indicate the individual with whom the Secretary, Under Secretary, or OP DIV. staff office head corresponded, the date of the incoming correspondence and the date of the outgoing correspondence from the Secretary, the Under Secretary, of OP DIV. staff office head. Address is same as above.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Computer records are derived from the incoming correspondence for the Secretary and the Under Secretary.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0038

SYSTEM NAME:

Secretary's Official Files HHS/OS/ES.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 636G, Humphrey Building, 200
Independence Avenue, S.W.,
Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contacted the Secretary or the Under Secretary or who have been contacted in writing by them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Hard copies of documents signed or initialed by the Secretary or the Under Secretary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The Secretary's Official Files are maintained to preserve the historical record of actions taken by the decisions made by the Secretary and the Under Secretary of the Department Health and Human Services.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, and component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

The records are maintained in hard copy filed in standard file cabinets.

RETRIEVABILITY:

Records are indexed by subject, name, organization, and key words. Records are available to the staff of the Executive Secretariat and The Immediate Office of the Secretary for reference purposes in staffing out issues of concern to the Secretary of the Under Secretary.

SAFEGUARDS:

Direct access is limited to the staff of the Executive Secretariat. Access is limited during non-working hours to individuals with keys to the file room.

RETENTION AND DISPOSAL:

Records are maintained for three years and are then sent to the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary to the Department,
Room 636G, Humphrey Building, 200
Independence Avenue, S.W.,
Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager at the above address. The inquirer should indicate the subject matter of the issue involved, the date of the subject documents, and the author and/or addresses.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above. In addition indicate corrective action sought and reason for corrections with supporting justification.

RECORD SOURCE CATEGORIES:

Records are derived from documents signed or initialed by the Secretary of the Under Secretary.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0080

SYSTEM NAME:

The Secretary's Advisory Committee
Candidate Files HHS/OS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Department of Health and Human
Services, Immediate Office of the

Secretary, Special Assistant to the Secretary for Advisory Committees, Room 602E, Humphrey Building, 200 Independence Avenue SW, Washington, D.C. 20201.

Computer site and location: ADP Network Services, Inc., 40 2nd Avenue, Waltham, Mass. 02154.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are being considered for membership on advisory committees within the jurisdiction of the Department of Health and Human Services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained on individuals recommended as members of Advisory Committees subject to this notice consists of one or more of the following: name, title, sex, physically disabled indicator, place and date of birth, home address, business address, organizational affiliation, ethnic background, resume, curriculum vitae, dates of term(s) on advisory committee, current status on advisory committee, reason for leaving advisory committee, previous or current membership on other advisory committees, special qualifications of the individual for the advisory committee membership, source who recommended the individual for membership on advisory committee and miscellaneous correspondence. Additionally, letters of recommendation are included in the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301.

PURPOSE(S):

To provide the Secretary with the capability to search a file of candidate resumes for positions on HHS advisory committees.

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

a. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law. Whether civil, criminal or regulatory in nature, and whether arising by general statute of particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule,

regulation or order issued pursuant thereto.

b. In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

c. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

d. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Records are maintained in hard-copy stored in file cabinets, on index cards, on magnetic tape, or in computer storage.

RETRIEVABILITY:

For the most part records are maintained in an alphabetical index by name of the individual. Certain files are based on other factors, e.g., Advisory Committee name, with a cross index based on an alphabetical listing of individuals. Certain other records are retrievable by individually identifiable computer identification codes, last name, first name, sex, handicapped indicator, professional expertise and ethnic background. All fields within the individual computer record can be accessed by the computer system language, and are available for administrative purposes via on-line, interactive terminals either in hard-copy or electronic visual display devices for reports. Records of candidates for Advisory Committees will be created and maintained on the data base which is accessible by on-line, interactive computer technology. Uses include special administrative reports, quarterly

alphabetical listings of past, present, and recommended members of Advisory Committees, computer lists of vacancies, acceptances, separations, active members, statistical reports by sex, youth, geographical location, etc.; documentation of nominations; and other administrative needs.

SAFEGUARDS:

Direct access to records is restricted to authorized personnel through locked files, rooms, and buildings as well as building pass and security guard-sign-in systems. Certain facilities are also protected by closed circuit television systems. Computer systems are secured through locked magnetic tape libraries as well as lockword-password computer access systems.

RETENTION AND DISPOSAL:

Retention is variable from one year to permanent retention depending upon the type of record, e.g., names of former members of advisory committees are retained permanently. Records are disposed of as trash by the system manager or Office of Security depending on the confidentiality of the information contained on the record.

SYSTEM MANAGER(S) AND ADDRESS:

Special Assistant to the Secretary for Advisory Committee, Room 602E, Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Write to the Systems Manager at the above address.

Verification of identification of individuals inquiring as to information contained in this system of records will be required by the submission of full last name, first name, and address of residence.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The vast majority of information contained in records on individuals is obtained directly from the individual. Other information in the form of references and recommendations is obtained from other private individuals, program personnel, biographical reference books, private organizations, former employers, regional offices of HHS, Members of Congress, and other government sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of Consumer Affairs (OCA)

09-90-0041

SYSTEM NAME:

Consumer Mailing Lists. HHS/OS/OCA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1009 Premier Bldg., 1725 Eye Street, N.W., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual consumers media representatives, academicians, librarians, business and government officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and address of individuals and organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 011583 of February 24, 1971 and Reorganization Plan 01 of 1953.

PURPOSE(S):

Used by the United States Office of Consumer Affairs Consumer Information staff to distribute information on current consumer topics to consumers, academicians, librarians, business, government and the media.

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

Used by the OCA, Consumer Information staff to distribute information on current consumer topics to consumers, academicians, librarians, business, government and the media. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation the defendant, is (a)

the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Conventional file cabinets and computers.

RETRIEVABILITY:

By name, organization, and Zip Code.

SAFEGUARDS:

Personnel screening during working hours and secured building after working hours.

RETENTION AND DISPOSAL:

Files are updated periodically and disposed of through normal trash and erasure of computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Consumer Information, 1009 Premier Bldg., 1725 Eye Street, N.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Director, Office of Management and Consumer Complaints, 1009 Premier Bldg., 1725 Eye Street, N.W., Washington D.C. 20201.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7)

Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Correspondence and telephone calls from individual consumers, business, academicians, librarians, and government officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0046

SYSTEM NAME:

Consumer Complaint Correspondence System HHS/OS/OCA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1009 Premier Bldg., 1725 Eye Street, N.W., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Consumers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence concerning consumer complaints referred to OCA by Congressional offices or White House and other consumer complaint correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 011583, February 24, 1981; Reorganization Plan 01 of 1953.

PURPOSE(S):

Resolution of individual citizen complaints through referral to other Federal agencies, non-Federal governments, voluntary groups and private business firms.

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

Resolution of individual citizen complaints through referral to other Federal agencies, non-Federal governments, voluntary groups and private business firms. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation the defendant is (a) the Department, any Component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the

Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Individual files in cabinets.

RETRIEVABILITY:

Correspondence referred to other Federal offices is not maintained. Correspondence referred to non-Federal parties is stored only by sequential file number. Correspondence referred from Congressional offices is retrievable by name of member of Congress and reference to a sequential file number.

SAFEGUARDS:

Personnel screening during working hours and secured building after working hours.

RETENTION AND DISPOSAL:

Records are retained for not less than one or more than two years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Management and Consumer Complaints, 1009 Premier Bldg., 1725 Eye Street, N.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

System manager. Address is same as above.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Correspondence and telephone calls from individual consumers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office for Civil Rights (OCR)

09-90-0050

SYSTEM NAME:

Case Information Management System HHS/OS/OCR

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATION:

See System Manager and Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons filing complaints with the Office for Civil Rights.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, characteristics of the complaint and critical events in OCR's processing of the complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI of the 1964 Civil Rights Act; Sections 799A and 855 of the Public Health Service Act; Section 504 of the 1973 Rehabilitation Act; the Age Discrimination Act; The Equal Employment Opportunity Provisions of the Public Telecommunications Financing Act of 1978; Title VI and Title XVI of the Public Health Service Act (the "community services obligation" of facilities funded under the Act); Title IX of the 1972 Education Amendments; Section 407 of the Drug Abuse Office and Treatment Act; and Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

PURPOSE(S):

The system is designed to report the status of all complaints currently being investigated by OCR.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the

Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

Magnetic disc and tape.

RETRIEVABILITY:

Records are indexed by case or complaint number, but may be recalled by name, address, or any other recipient characteristic by OCR staff engaged in compliance activities.

SAFEGUARDS:

The physical data processing storage is controlled by HHS which enforces appropriate security measures. This agency references data through communication terminals with access controlled by passwords. The Department's ADP Systems Manual, Part 6, ADP Systems Security, govern the control.

RETENTION AND DISPOSAL:

Indefinite retention. Disposal by electronic erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Office for Program Operations, Office for Civil Rights, 330 Independence Avenue SW., Washington, D.C. 20201.
And, Regional Directors, see Appendix 1.

NOTIFICATION PROCEDURES:

Contact System Manager (above), or Regional Director (see Appendix 1). Include name and address of complainant, and name of the recipient against which the allegation was filed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Request should be made to the system manager in the regional office where the record is most likely to be kept (determined by location of the institution or facility against which the allegation was originally filed). When this location is in doubt request should be made to the Deputy Director, Office of Compliance and Enforcement, (see above, System Manager).

CONTESTING RECORD PROCEDURES:

Contact the official(s) at the address specified under system manager or Appendix 1, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in complaint investigation files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix Number 1 System Locations

This system is located at HHS offices in the following cities.

Region I, Regional Director, OCR/DHHS, 140 Federal Street—14th Floor, Boston, MA 02110.

Region II, Regional Director, OCR/DHHS, 26 Federal Plaza—Room 3900, New York, NY 10278.

Region III, Regional Director, OCR/DHHS, 3535 Market Street—Post Office Box 13716, Philadelphia, PA 19101.

Region IV, Regional Director, OCR/DHHS, 101 Marietta Street—Suite 2806, Atlanta, GA 30323.

Region V, Regional Director, OCR/DHHS, 300 South Wacker Drive—32nd Floor, Chicago, IL 60606.

Region VI, Regional Director, OCR/DHHS, 1200 Main Tower Bldg.—Room 1900, Dallas, TX 75202.

Region VII, Regional Director, OCR/DHHS, 601 E. 12th Street—Room 248, Kansas City, MO 64106.

Region VIII, Regional Director, OCR/DHHS, Federal Office Building, 1961 Stout Street—Room 1326, Denver, CO 80294.

Region IX, Regional Director, OCR/DHHS, 1275 Market Street—14th Floor, San Francisco, CA 94103.

Region X, Regional Director, OCR/DHHS, 1321 Second Avenue—MS/723, Seattle, WA 98101.

09-90-0051

SYSTEM NAME:

Complaint Files and Log. HHS/OS/OCR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix 1, System 09-90-0050.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file complaints alleging discrimination under the

statutes identified below (Authority for Maintenance).

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint allegations, information gathered during the complaint investigation, findings, and results of the investigation, and correspondence relating to the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI of the 1964 Civil Rights Act; Sections 799 A and 855 of the Public Health Service Act; Section 504 of the 1973 Rehabilitation Act; the Age Discrimination Act; The Equal Employment Opportunity Provisions of the Public Telecommunications Financing Act of 1978; Title VI and Title XVI of the Public Health Service Act Title IX of the 1972 Education Amendments; Section 407 of the Drug Abuse Office and Treatment Act; and Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

PURPOSE(S):

This file system is designed to store the results of all OCR regional investigations, for retrieval of information on the resolutions of complaints. Files are maintained to record the results of the complaint investigations so that OCR can determine if there was discrimination as charged in the original complaint.

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

Files may be reviewed by the Department of Justice, the Equal Employment Opportunity Commission, or other Federal and State agencies when necessary to complete an investigation, enforce the statutes, or assure proper coordination.

OCR may contract with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity (b) the United States where the Department determines that the claim, if successful, is likely to

directly affect the operations of the Department or any its components: or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders and file cards.

RETRIEVABILITY:

By name for use by OCR staff in complaint investigations.

SAFEGUARDS:

Printed materials are filed in lockable cabinets. The Department's ADP Systems Manual, Part 6, ADP Systems Security, govern the control. Categories of users include OCR investigators, team leaders, branch chiefs, division directors, PRMs unit staff, Office of Compliance and Enforcement staff.

RETENTION AND DISPOSAL:

2 years from date complaint is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Office for Program Operations, Office for Civil Rights, 330 Independence Avenue, S.W., Washington, D.C. 20201.

And Regional Directors, see Appendix 1 to Case Information Management System HHS OS/OCR System 09-90-0050.

NOTIFICATION PROCEDURE:

Contact system manager (above) or Regional Directors (see Appendix 1). Include name and address of complainant, a copy or summary of allegations contained in the original complaint, name of the institution against which the allegation was filed, and the date of the original allegation.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Request should be made to the system manager in the regional office where the record is most likely to be kept (determined by location of the institution or facility against which the allegation was originally filed.) When this location is in doubt request should be made to the Deputy Director, Office of Compliance and Enforcement,

Washington, D.C. (see above, System Manager).

CONTESTING RECORD PROCEDURES:

Contact the official(s) at the address specified under system manager or Appendix 1, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Complaint and information filed with the Department by or on behalf of the individual complainant, also data provided by the alleged discriminator and other parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of General Counsel (OGC)

09-90-0062

SYSTEM NAME:

Administrative Claims. HHS/OS/OGC.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

See Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HHS employees, recipients of Federal assistance under HHS funded programs, and members of the public who have a claim against HHS or against whom HHS has a claim—Federal Torts Claims Act, Military Personnel and Civilian Employees Claims Act, Federal Claims Collection Act, Federal Medical Care Recovery Act, Act for Waiver of Overpayment of Pay.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information that is pertinent to the particular claim being asserted, including accident reports, hospital records, charges for medical services, certifications of overpayment, audits of payroll accounts during periods of overpayments, earning and leave statements, claims officers memorandum, final determinations made on claims, identity of debtors and information pertaining to how debts arose.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. 2671-2680, 1346(b); Waiver of

Overpayment of Pay Act, 5 U.S.C. 5584; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240-243; Federal Claims Collection Act, 31 U.S.C. 951-953; Federal Medical Care Recovery Act, 42 U.S.C. 2651-2653.

PURPOSE(S):

The department maintains in its records only information about an individual which is relevant and necessary to the adjudication of a claim asserted against or by the Department.

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

Routine uses of these records are primarily for adjudicating claims between the U.S. and private parties. Records are used in communicating with, among others, Federal, State, and local law enforcement agencies, private individuals, private and public hospitals, allegedly negligent parties, private attorneys, insurance companies, the United States Attorney and other Federal officials and agencies, individual law enforcement officers, and tribal officials. These communications are all for the purpose of investigating, settling, or denying claims and subsequent litigation action.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency,

whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system or records may be referred, as a routine use to the appropriate investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To the Department of Justice or other appropriate federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

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

STORAGE:

Legal size files in filing cabinets.

RETRIEVABILITY:

Retrieved by name of the non-Government party, whether claimant, plaintiff, or alleged debtor, in some instances, these records are retrievable by cross reference to index cards, containing name of the party involved and the subject matter.

SAFEGUARDS:

Office buildings in which files are kept are locked after the close of the business day. These files are only accessible to General Counsel staff.

RETENTION AND DISPOSAL:

The records are maintained for an indefinite duration.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the system policies and practices outline above is:

The General Counsel, Department of Health and Human Services, Office of the General Counsel, Room 722A, Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

NOTIFICATION:

Any inquiries regarding these systems of records should be addressed to the System Manager. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR 5b.6) *Federal Register*, October 8, 1975, page 47411.)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) *Federal Register*, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager(s) Address above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification (These procedures are in accordance with Department Regulations (45 CFR 5b.7) *Federal Register*, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information in this system comes from a number of sources including

private individuals, private and public hospitals, doctors, law enforcement agencies and officials, private attorneys, accident reports, third parties, claimants or beneficiaries and their relatives other Federal agencies, State and local governments agencies and instrumentalities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Office of the General Counsel—
Headquarters Offices, Department of Health and Human Services, Humphrey Building, Room 722A, 200 Independence Avenue, S.W., Washington, D.C. 20201

Office of the General Counsel, Regional Attorney—Region I, Department of Health and Human Services, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.

Office of the General Counsel, Regional Attorney—Region II, Department of Health and Human Services, Room 3914, 26 Federal Plaza, New York, New York 10007.

Office of the General Counsel, Regional Attorney—Region III, Department of Health and Human Services, P.O. Box 13716, Philadelphia, Pennsylvania 19104.

Office of the General Counsel, Regional Attorney—Region IV, Department of Health and Human Services, Suite 201, 101 Marietta Tower, Atlanta, Georgia 30323.

Office of the General Counsel, Regional Attorney—Region V, Department of Health and Human Services, 300 South Wacker Drive, 18th Floor, Chicago, Illinois 60606.

Office of the General Counsel, Regional Attorney—Region VI, Department of Health and Human Services, Room 1330, 1200 Main Tower Building, Dallas, Texas 75202.

Office of the General Counsel, Regional Attorney—Region VII, Department of Health and Human Services, Room 601, 601 East 12th Street, Kansas City, Missouri 64106.

Office of the General Counsel, Regional Attorney—Region VIII, Department of Health and Human Services, Room 11443, Federal Office Building, 19th Stout Streets, Denver, Colorado 80294.

Office of the General Counsel, Regional Attorney—Region IX, Department of Health and Human Services, 50 Fulton Street, San Francisco, California 94102.

Office of the General Counsel, Regional Attorney—Region X, Department of Health and Human Services, MS 624 Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

09-90-0064

SYSTEM NAME:

Litigation Files, Administrative Complaints, and Adverse Personnel Actions. HHS/OS/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix on the Administrative Claims system. 09-90-0062.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records are maintained in this system are individuals who are involved in litigation with the Department or the United States (regarding matters within the jurisdiction of the Department) either as plaintiffs or as defendants in both civil and criminal matters, and individuals who either file administrative complaints with the Department or are the subjects of administrative complaints initiated by the Department, except claims which are the subjects of records maintained in the Administrative Claims System, 09-90-0062.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information pertaining to the subject matter of the litigation, administrative complaint, or adverse personnel action. Such records would include complaints, litigation reports, administrative transcripts, various litigation documents, investigative materials, correspondence, briefs, court orders and judgments, and in cases where personal injury is involved, principally malpractice cases, evaluations by physician specialists (Public Health Service, Armed Forces, Institute of Pathology).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The authority for maintaining this system are the various statutes, regulations, rules or orders pertaining to the subject matter of the litigation, administrative complaint or adverse personnel action, (e.g., Public Health Service Act, Social Security Act, Civil Rights Act, Federal Food, Drug and Cosmetic Act).

PURPOSE(S):

To represent the Department and its components in court cases and administrative proceedings.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the

claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil,

criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

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

STORAGE:

These records consist of legal size files stored in file cabinets.

RETRIEVABILITY:

These records are retrievable by name of the plaintiff or the first plaintiff if there is more than one, or by the name of the first defendant if the plaintiff is the United States. In the case of adverse personnel actions, records are retrievable by name of the individual involved.

SAFEGUARDS:

Office buildings in which these records are maintained are locked after the close of the business day. These records are only accessible by General Counsel staff.

RETENTION AND DISPOSAL:

These records are maintained for an indefinite duration.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the system policies and practices outlined above is:

The General Counsel, Department of Health and Human Services, Office of the General Counsel, Hubert H. Humphrey Building, Room 722A, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be addressed to the System Manager. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be

willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR 5b.6) Federal Register, October 8, 1975, page 47411.).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.).

CONTESTING RECORD PROCEDURES:

Contact the official at the address System Manager(s) and Address above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

The information for this system is obtained through a number of sources including the exchange of legal pleadings, documents, formal and informal discovery, program offices and component agencies, private attorneys, State and local governments, their agencies and instrumentalities, and officers of other Federal agencies and the individuals involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0065

SYSTEM NAME:

Conflict of Interest—Standards of Conduct Records. HHS/OS/OGC

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATION:

See appendix on the Administrative Claims system. 09-90-0062.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information about current and past HHS employees who are or have been the subject of conflict of interest or standards of conduct inquiries or determinations.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include information relating to acceptance or offer of gifts, entertainment and favors, outside employment; financial interests; use of

government funds, property or official information; partisan political activity; or other matters relating to ethical standards of conduct.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 202, 203, 205, 207, 208, 209; Executive Order 11222; and, 5 CFR 735.104, 45 CFR Part 73.

PURPOSE(S):

To maintain such information about employees or former employees of the Department who have been the subjects of standards of conduct or conflict of interest inquiries.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be

made to the Department of Justice for the purpose of obtaining its advice.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

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

STORAGE:

These records are kept in legal size files in filing cabinets.

RETRIEVABILITY:

These records are retrievable by name in most cases. In some instances, these records are retrievable by cross reference to index cards containing the name of the party involved and the subject matter.

SAFEGUARDS:

These records are only accessible to General Counsel staff. Office buildings in which these records are maintained are locked after the close of the business day.

RETENTION AND DISPOSAL:

The records are maintained for an indefinite duration.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the systems policies and practices outlined above is:

The General Counsel, Department of Health and Human Services, Office of the General Counsel, Humphrey Building, Room 722A, 200 Independence Ave., S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding these system of records should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the System Manager(s) and Address procedures above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information contained in this system comes from the individuals involved and from appropriate Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0066

SYSTEM NAME:

OGC-Attorney Applicant Files HHS/OS/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix on the Administrative Claims System. 09-90-0062

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Attorney Applicants for positions in the Office of the General Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Attorney Applicant system consists of a variety of records relating to persons applying for attorney positions. These records contain information about an individual's birth date; home address; telephone number; social security number; educational background (e.g., law schools attended and grades); past work experience; writing samples furnished on request; recommendations from past employers and academic officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301 et seq.

PURPOSE(S):

To maintain current information concerning individuals interested in employment with the Office of General Counsel.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

These records are maintained in file folders, alphabetized by name, and in some cases the records are separated by individual law school affiliation and by the date the application is received. In some instances records are located in

lockable conserva-file cabinets and in a locked secured room with access limited to those officials whose duties require access. In other instances records are maintained in file rooms or with other Office of the General Counsel files.

RETRIEVABILITY:

These records are retrievable by name.

SAFEGUARDS:

Access is limited to those HHS officials whose duties require access.

RETENTION AND DISPOSAL:

These records are retained in a current system for one year, and in some instances two years, after which time they are discarded.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the systems policies and practices outlined above is:

The General Counsel, Department of Health and Human Services, Office of the General Counsel, Humphrey Building, Room 722A, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) *Federal Register*, October 8, 1975, page 47410).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager(s) and Address above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) *Federal Register*, October 8, 1975, page 47411).

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies law school officials and past employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0067

SYSTEM NAME:

Invention reports submitted to the Department of Health and Human Services by its employees, grantees, fellowship recipients, and contractors. HHS/OS/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the General Counsel, Patent Branch, Westwood Building—Room 5A03, 5333 Westbard Avenue, Bethesda, Maryland 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department employees; investigators funded under HHS research grants, fellowship awardees, investigators funded under HHS research contracts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invention reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

45 CFR Parts 6, 7, and 8, E.O. 9865, E.O. 10096.

PURPOSE(S):

To maintain the information and patent records for the entire Department.

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

Department of Justice Claims Section for purpose of defending the Government in litigation.

Scientific personnel, both in this agency, and other Government agencies, and in non-Governmental organizations such as Universities, who possess the expertise to understand the invention and evaluate its importance as a scientific advance.

Contract patent counsel and their employees and foreign contract personnel retained by the Department for patent searching and prosecution in both the United States and foreign Patent Offices.

All other Government agencies whom we contact regarding possible use, interest in, or ownership rights in our inventions.

Prospective licensees or technology finders who may further make the invention available to the public through sale, use or publication.

Parties, such as supervisors of inventors, whom we contact to determine ownership rights, and those parties contacting us to determine the Government's ownership.

The United States and foreign Patent Offices for our filing of patent applications. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, if likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

These records are kept in individual file folders.

RETRIEVABILITY:

Indexed by both inventor's name and case identification number.

SAFEGUARDS:

During normal business hours a member of the staff of the Patent Section regulates the availability of the files. During evening and weekend hours, the building is closed, with a guard at the front entrance, and only personnel authorized to be in the building are permitted entry.

RETENTION AND DISPOSAL:

The records are maintained here for the life of any patent issued (seventeen years), for seven years for any invention which is not patented, and they are sent to the Federal Records Center for retention when they are no longer required here.

SYSTEM MANAGER(S) AND ADDRESS:

Patent Counsel, Department of Health and Human Services, Westwood Building—Room 5A03, 5333 Westbard Avenue, Bethesda, Maryland 20016.

NOTIFICATION PROCEDURE:

An individual is required to provide his own name together with that of any other individual who contributed to the making of an invention, on which the

system contains a record. Any inquiries regarding these systems of records should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) *Federal Register*, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager(s) and Address above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) *Federal Register*, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information comes from the inventors, their supervisors, other scientists with expertise in the particular area of the invention, scientific publications, newspapers, contract patent counsel who have searched and/or prosecuted the invention, and commercial organizations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0068

SYSTEM NAME:

Federal Private Relief Legislation, HHS/OS/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system is located in the: Division of Legislation, Office of the General Counsel, Office of the Secretary, Room 427 D, Humphrey Building, Department of Health and Human Services, 200 Independence Ave., S.W., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private individuals, groups, or institutions for whom a United States Congressman or Senator has introduced a private relief bill.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background which gives rise to the individual's, group's or institution's claim for private relief legislation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; OMB Circular A-19.

PURPOSE(S):

To respond to Congressional requests for information regarding private relief legislation.

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

The information is used to prepare reports to the Congress, most commonly to the Judiciary Committees of the Senate and the House of Representatives, which reports are thereafter made available to the public under the provisions of 5 U.S.C. 552. In connection with the preparation of those reports, the information contained in this system of records will, as a routine use be disclosed to officers and employees of the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at various stages of the legislative coordination and clearance process as set forth in that Circular, and may, as a routine use, be disclosed to officers or employees of agencies (as defined in 5 U.S.C. 551(i) and 552(e) other than the agency that maintains the record. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper records in file folders kept in legal size filing cabinets.

RETRIEVABILITY:

By bill number using card systems maintained by name and by subject.

SAFEGUARDS:

Immediate access to these records are only by authorized staff. Building is locked at close of business.

RETENTION AND DISPOSAL:

Retained indefinitely either at System Location or at Federal Record Center where files are sent on a regular predetermined schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Legislative Reference and Control Service,
Division of Legislation,
Office of the General Counsel,
Department of Health and Human Services,
Room 427 D, Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding the records in question should be made to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) *Federal Register*, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Managers and Address above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) *Federal Register*, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information in this system comes from the Operating Divisions of the Department, the Public Health Service Agencies, the Office of the Secretary, Congressional Committees, individual Congressmen and Senators, and, in some cases, the subject individual, group, or institution.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0071

SYSTEM NAME:

Social Security Code Cards, HHS/OS/OGC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Regional Attorney,
Department of Health and Human
Services, 19th and Stout Streets,
Denver, Colorado 80294.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals referred to in this system are Social Security claimants or wage-earners who have been the subject of Social Security Precedent opinions.

CATEGORIES OF RECORDS IN THE SYSTEM:

The information in this system consists of the name of the individual on a 3x5 card and a code which cross references to the location of the actual opinion. These cards are separate and distinct from the digest cards which are distributed nationally by the Office of the General Counsel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

PURPOSE(S):

To enable a researcher to obtain the appropriate Social Security precedent opinion which may be cited in subsequent opinions.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

The subject information is kept on 3x5 cards which are kept in an office locked after the close of the business day. The opinions which are cross-referenced by

the cards are kept in the files in the same office.

RETRIEVABILITY:

Retrievable by name. These cards are used to enable the researcher to obtain the appropriate Social Security precedent opinion which may then be cited in subsequent opinions distributed within OGC and SSA.

SAFEGUARDS:

Office locked at the close of the business day.

RETENTION AND DISPOSAL:

Retained indefinitely either at system location or at Federal Records Center where files are sent on a regular predetermined schedule.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the system policies and practices outlined above is:

Regional Attorney, Department of HHS,
19th and Stout Streets, Denver,
Colorado 80294.

NOTIFICATION PROCEDURE:

Any inquiries regarding the records in question should be made at the above address where the records are kept. Required identifying information will be in keeping with Departmental requirements.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) *Federal Register*, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Managers and Address above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) *Federal Register*, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The information on the cards is gleaned from precedent opinions nationwide as well as those issued from Region VIII.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of Child Support Enforcement (OCSE)

09-90-0074

SYSTEM NAME:

Federal Parent Locator System, HHS OCSE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Child Support Enforcement,
Department of Health and Human
Services, 6110 Executive Blvd.,
Rockville, Md. 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on parents being sought for the purpose of establishing or enforcing support obligations against such a parent, through the courts through the Federal Income Tax offset process, or for locating a parent or child in cases of parental kidnapping or child custody determinations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of Absent Parent or Child, Social Security Number (when available), Date of Birth, Place of Birth, Mother's maiden name, Father's full name, State case identification number, local identification number (State use only), State or locality originating request, date of origination, type of case (AFDC, non-AFDC full service, non-AFDC locate only, parental kidnapping), type of military service (Army, Navy, Marines, Air Force, Coast Guard, not in service, retired military (yes or no), Federal employee (yes or no), recent employer's address, known alias (last name only), average amount, offset amount, date requests sent to Federal departments (SAA, IRS, DOD, NPRC, VA, RRB), date of Federal departments' responses, and indication of the type of information received; such as last home or employer address was returned, and/or a Social Security Number was returned. The actual information returned pursuant to a request is retained in a separate file long enough to communicate that information to the State. (See Retention and Disposal section below).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93-647.

Pub. L. 96-611.

Pub. L. 97-35.

PURPOSE(S):

Sections 453 and 454 of the Social Security Act require the Secretary to

establish and conduct a Parent Locator Service to obtain information as to the whereabouts of any absent parent when such information is to be used for establishing or enforcing support obligations against such absent parent, establishing or enforcing child custody determinations, or in cases of parental kidnapping.

The Omnibus Reconciliation Act authorized the Internal Revenue Service to collect pastdue child support obligations by offsetting Federal tax refunds due to the delinquent absent parent.

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

The Federal Parent Locator Service will use and disclose information from the records maintained in this system to:

(1) Request the most recent home and employment addresses and Social Security Numbers of absent parents from any State or Federal government department, agency or instrumentality which might have such information in its records;

(2) Provide the most recent home and employment addresses and Social Security Numbers to State agencies under agreements covered by title IV-D of the Social Security Act for the purpose of locating absent parents in connection with establishing or enforcing child support obligations.

(3) Provide the most recent home and employment addresses and Social Security Numbers to State agencies under agreements covered by Section 463 of the Social Security Act (42 U.S.C. 663) for the purpose of locating absent parents or children in connection with activities by State courts and Federal attorneys and agents charged with making or enforcing child custody determinations or conducting investigations, enforcement proceedings or prosecutions concerning the unlawful taking or restraint of children;

(4) Provide the most recent home and employment addresses and Social Security Numbers to agents and attorneys of the United States, involved in activities in States which do not have agreements under Section 463 of the Social Security Act (42 U.S.C. 663) for purposes of locating absent parents or children in connection with Federal investigations, enforcement proceedings or prosecutions involving the unlawful taking or restraint of children.

(5) Provide the amount withheld from an individuals tax refund together with the taxpayers' current address to State agencies under agreements covered by title IV-D of the Social Security Act for

the purpose of enforcing child support obligations.

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

STORAGE:

PLS records are maintained on disk and magnetic tape, and hard copy. The record is defined as a request for address information.

RETRIEVABILITY:

System records can be accessed by either a State assigned case identification number or Social Security Number.

SAFEGUARDS:

All requests from the State IV-D Agency must certify that (1) they are being made to locate an absent parent for the purpose of establishing paternity or securing child support, or in cases involving parental kidnapping or child custody determinations and for no other purpose; (2) the State IV-D agency has in effect protective measures to safeguard the personal information being transferred and received from the Federal Parent Locator Service; and (3) the State IV-D Agency will use or disclose this information for the purposes prescribed in 45 CFR 302.70. All Federal, State personnel and contractors, are required to take a nondisclosure oath. All input documents will be inventoried and accounted for. All inputs and outputs will be stored in a locked receptacle in a locked room. All outputs will be labeled "For Official Use Only" and treated accordingly. Operations control will be vested under a single system manager. Every State using the system will be verified via three levels of user ID's. All data files will be protected by unique passwords and security codes. Remote users have "read only" system access capabilities and cannot read any other function on the system. The system complies with the HHS, ADP Systems Manual Part 6, "ADP Systems Security".

RETENTION AND DISPOSAL:

Records of address information provided in response to requests are maintained only long enough to communicate the information to the State or the Federal agent or attorney requesting it. After this time they are destroyed.

A record of the request only which includes information provided by the State, Federal agencies contacted, and an indication of the type of information so returned is stored on a history tape and hard copy. All history data will be retained for five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Information and Management Systems Division, Office of Child Support Enforcement, Department of Health and Human Services, 6110 Executive Blvd., Rockville, Md. 20852.

NOTIFICATION PROCEDURE:

Contact the system manager in writing at the above address and provide your name and address. Additional information, such as your Social Security Number, date of birth or mother's maiden name, may be requested by the system manager in order to distinguish between individuals having the same or similar names.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under system manager above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained from departments, agencies, or instrumentalities of the United States or any State.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of Assistant Secretary for Planning and Evaluation (OASPE)

09-90-0082

SYSTEM NAME:

Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst), HHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Temple University, Developmental Disabilities Center, 963 Ritter Hall Annex, Philadelphia, Pennsylvania 19122.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Approximately 1,260 respondents including: 450 community residents of the Southeastern Region of Pennsylvania, family members of the retarded residents of Pennhurst State Center, and 60 retarded residents of Pennhurst State Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contractor maintains two separate sets of files. One contains identifiable information necessary to conduct the study. The second contains the data the study was designed to collect.

The identifiable information is a list of names, addresses, and current telephone numbers of respondents where necessary. This file also contains unique identification numbers used to link this year's non-individually identified data with similar data from past years. Non-individually identified information includes: Demographic characteristics, data on the communities' reactions to their new mentally retarded neighbors, the attitudes of the parents of the mentally retarded residents of Pennhurst toward the court-ordered closing of a long-term institution and the impact of the Court Order on the residents in terms of the individuals' satisfaction both in the institution and later in the alternative community living arrangement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1110 of the Social Security Act.

PURPOSE(S):

The major purpose for this system of records is to provide a longitudinal study of the Court Ordered community placement of the severely retarded residents of Pennhurst Institution in Pennsylvania. Because other communities may seek legal alternatives to institutionalization of the mentally retarded and use the Pennhurst experience as a model, HHS has funded this study to measure the costs for establishing a comprehensive community service delivery system for large numbers of severely mentally retarded persons. Also studied is the impact that such a relocation has on the mentally retarded persons, their families and the community. Major users of the resulting information are HHS long-term-care programs channeling institutionalized persons into their communities and state, county and other local governments responsible for providing medical and social services to the mentally retarded as well as providers of such services and the judicial system.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry

from the congressional office made at the request of that individual.

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

Magnetic tape and disc, paper and card records.

RETRIEVABILITY:

The contractor performs linkage between the data sets through a number common to both the identified data and the non-individually identified statistical data for purposes of validating and linking the year to year data.

SAFEGUARDS:

The contractor stores cover sheets containing individual identities separately from the questionnaires that contain other non-individually identified information. Magnetic tapes that contain non-individually identified information are stored in a locked safe, and the cover sheets are stored in locked file cabinets in a limited access area. Magnetic data are further protected by special account numbers and passwords.

The contractor conforms to the Department's ADP *Systems Manual*, "Part 6, ADP System Security." Access to the numbers associated with the identifiable data and the non-individually identified statistical data (which could be used to link the identifiable data—a list of names, addresses, and telephone numbers—with the data collected on the questionnaires) is subject to the specific approval of the Project Director at Temple University.

Temple University: Non-individually identifiable data are used for analysis of the communities' reactions to their new mentally retarded neighbors, the attitudes of the parents of the mentally retarded residents of Pennsylvania toward the court-ordered closing of a long-term institution and the impact of the Order on the residents in terms of the individuals' satisfaction both in the institution and later in the alternative community living arrangement.

Temple University uses information with individual identifiers to validate data and to locate respondents from year to year. Only persons at Temple University perform these analyses and then only on a "need to know" basis. The data without personal identifiers is available to any member of the public or to any agency of government.

Assistant Secretary for Planning and Evaluation: The Office of the Assistant Secretary for Planning and Evaluation conducts analyses of non-individually

identifiable data similar to those conducted by Temple University.

The government project monitor may have access to the identified data only to monitor the contractor's performance of the study.

RETENTION AND DISPOSAL:

It is anticipated that the cover sheets that contain individually identifiable information will be destroyed by shredding or erasing three years after field work on this study ceases or at such time as it is determined that no further validation of the data will be undertaken. There are no plans for the destruction of the non-individually identifiable statistical data that have been collected on respondents over the life of this study.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Research Director, Temple University, Developmental Disabilities Center, 963 Ritter Hall Annex, Philadelphia, Pennsylvania 19122.

An individual requesting notice as to whether the system of records contains information pertaining to him or her should write to the Temple University project director at the above address, indicating his or her full name and address.

RECORD ACCESS PROCEDURES:

Individuals who have established that the system of records contains information pertaining to them may inspect and copy those portions of the records pertaining to them at the Temple University project officer's place of business, or the project officer will establish a date after which the records will be available at a place requested by the individual.

CONTESTING RECORD PROCEDURES:

Contact the project officer at Temple, reasonably identify the record, specify the information being contested, and supply the correct information and corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained either from telephone or face-to-face interviews with the respondents each year.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0086

SYSTEM NAME:

Medicare Mental Health
Demonstration Evaluation (MMHDE),
HHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Macro Systems, Inc., 8630 Fenton Street,
Suite 300, Silver Spring, Maryland
20910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will include approximately 7,500 Medicare beneficiaries in 29 States who are receiving mental health services on an outpatient basis. A total of 75 sites include selected Community Mental Health Centers, organized ambulatory clinics, and partial hospitalization programs.

Records will be included on individuals who signed an informed consent form for the demonstration and the evaluation. The Health Care Financing Administration (HCFA) requires certification from the facilities that they acquire and maintain patient consent and release statements which meet the protections of the Privacy Act as well as any additional guarantees required by State law.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contractor maintains two separate sets of hard copy and magnetic tape and/or disk files. File 1 contains individually identifiable information necessary to link records in order to conduct the evaluation. File 2 contains the data the evaluation was designed to collect.

File 1 has two parts: the first part consists of the cover sheet of the Beneficiary Clinical Record Abstracting Form containing the identifiable information in the form of a list of names, addresses, and Health Insurance (HI) claim numbers of Medicare beneficiaries included in the evaluation. Each cover sheet also includes a unique identification number which links patient-specific data to File 2 described below. The second part is the magnetic tape and disk including the content of the cover sheet.

File 2 has two parts. The first part consists of the Beneficiary Clinical Record Abstracting Form including information from several sources, e.g., Medicare billing records, facility billing records, and facility clinical records. The classes of information include: demographic characteristics; entitlement; sources of income and

support; treatment history; diagnosis; referral source; type of service received; type of provider; gross outcome measures; charges by specific facilities to Medicare, Medicaid, third-party payors, and the patients; and, reimbursements, disallowances, and amount not paid by various payors plus the unique individual identifier number linking File 2 to File 1. The second part is the magnetic tape or disk including the information described immediately above.

Only the unique number permits identification of the individual. File 2 is a system of records as long as File 1 is maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 1395b-1(a)(1)(B).

PURPOSE:

During 1980, the Health Care Financing Administration (HCFA) and the Alcohol, Drug Abuse, and the Mental Health Administration (ADAMHA) initiated a demonstration project to test changes in Medicare program policies in the area of mental health. Many experts believe that provision of services on an outpatient basis and in the community of the patient is less expensive, of equal medical care quality, and may provide intangible benefits to all patients in comparison to services provided on an inpatient basis in an institution. It is also widely held that current policies and statutory limitations contain disincentives for outpatient delivery of mental health services to Medicare beneficiaries. The Office of the Assistant Secretary for Planning and Evaluation has initiated an evaluation of this demonstration designed to measure and assess the impact of changing Medicare policies through the provision of outpatient mental health services.

This new system of records will provide the demographic, utilization, and cost data necessary to evaluate the mental health services received by patients in both demonstration and comparison facilities. The evaluation will focus on the utilization, cost, and quality of outpatient mental health services, as well as operational aspects of the demonstration. The data are expected to contribute to development in Federal policy alternatives for Medicare reimbursement for outpatient mental health services as well as assist the Department of Health and Human Services and the Congress in determining whether to offer the demonstration benefits to Medicare beneficiaries nationally.

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

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made on behalf of that individual.

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

Magnetic tape and disk, and paper.

RETRIEVABILITY AND DISPOSAL:

The contractor performs linkage between the data sets through a number common to both the identified data and the non-individually identified data only for purposes of linkage, verification, and validation of data.

SAFEGUARDS:

The contractor, Macro Systems, Inc., stores cover sheets containing individual identifiers separately from the abstracting sheets that contain other non-individually identifiable information. Magnetic tapes and disks that contain individually identifiable information are stored in a locked safe, and the cover sheets are stored in a locked file cabinet in a limited access area. Computerized data are further protected by special account numbers and passwords.

The contractor conforms to the Department's ADP Systems Manual, "Part 6, ADP System Security." Access to the linkage associated with identifiable data for individuals is subject to the specific approval to the Project Director at Macro Systems, Inc. Information with individual identifiers is used for the purposes of adding and updating the system as well as to validate data and link data sets. After any linking, validation or verifying activity, the identifiers are unlinked from the merged records. These uses are performed only by persons employed by Macro Systems, Inc., and then only on a "need to know" basis.

The independent evaluator will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals.

Non-individually identifiable data are used for analysis in support of the evaluation. Research topics of the evaluation include, but are not limited to the following determinations: the effect of the demonstration on utilization of services by Medicare beneficiaries; the

cost to Medicare of the demonstration benefits; and the cost to Medicare if the demonstration benefits were applied nationally. The data without personal identifiers are available to any member of the public or to any agency of the government.

The Office of the Assistant Secretary for Planning and Evaluation may conduct analyses of non-individually identifiable data, as necessary.

The Government Project Officer may have access to the identifiable records only to monitor the contractor's performance of the evaluation.

The cover sheets and computerized files that contain individually identifiable information will be destroyed by shredding or degaussing no later than three years after field work on this evaluation.

There are no plans for the destruction of the non-individually identifiable data which will be delivered to ASPE when the project ends.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

An individual requesting notice as to whether the system of records contains information pertaining to him/her, should write to the Government Project Officer at the address below, indicating his/her full name, current address and any other addresses since March 1981, and Health Insurance (HI) claim number. Simultaneously with requesting notification of inclusion in the system of records, the individual may request record access as described in the "Record Access Procedures" which follows. Project Officer, Medicare Mental Health Demonstration Evaluation, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Individuals who, through the notification procedures set out above, have established that the system of records contains information pertaining to them may request access to those portions of the records pertaining to them by writing the Government Project Officer at the address given above. The Government Project Officer will notify the individual as to the place, for access to the record(s). If the requester prefers, photocopies of the specific material(s) may be sent by mail.

CONTESTING RECORD PROCEDURES:

Contact the Government Project Officer at the address given above, reasonably identify the record(s), specify the information being contested, provide reasons for disagreement, and propose substitute information and corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Information which is beneficiary-specific will be abstracted from facility billing and clinical records and HCFA billing files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0087

SYSTEM NAME:

Recipient Survey for the Monthly Reporting and Retrospective Accounting Study/HHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Abt Associates, Inc., 55 Wheeler Street, Cambridge, Massachusetts 02138.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will include a sample of approximately 5,000 recipients of Aid to Families with Dependent Children (AFDC)/Food Stamp (FS) programs in three states some of whose cases are active in either the monthly or conventional reporting systems and some others, whose cases have been closed after being active at some point during the experimental period.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contractor maintains two sets of files, containing the data the evaluation was designed to collect.

One file, the Respondent Information Booklets (RIB) consists of the names, addresses, telephone number of household heads and names and birthdates of household members. It also includes the record of the one-time payment to the respondent. A unique individual identifying number links this file to the other file. Only this unique number permits identification of the individual.

The other file consists of non-individually identifiable information, except for the linking number attached, that include: prior participation in the welfare system and the nature and extent of prior work experience; reporting burden in time and money, promptness and accuracy; receipt of benefits other than their regular check;

recipient's understanding of rules and regulations; current circumstances of closed case respondents, and demographics. The file will be retained as magnetic tape and disk.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1115, Social Security Act, as amended.

PURPOSE(S):

The proposed new system will provide for data on the nature and extent of the effects of the monthly reporting system on the well-being of AFDC clients. This system will determine: (1) How much time, cost, and effort recipients must expend to comply with monthly reporting rules, and the comparable response burden under the pre-existing system; (2) recipient understanding of the experimental and control groups, and recipient attitudes about the two groups; (3) the difference between the experimental and control treatments in the meeting of current need, where "current" refers to the period covered by the payment, and "need" is defined by AFDC program rules; and (4) the extent to which recipients have access to alternative resources over the short term, and are able to budget these various resources.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made on behalf of that individual.

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

STORAGE:

Magnetic tape and disk, paper and card records.

RETRIEVABILITY:

The contractor performs linkage between the data sets through a number common to both the identified data and the non-individually identified data only for purposes of validation of data, and matching and management of data collection.

SAFEGUARDS:

The contractor, Abt Associates, Inc., stores the Respondent Information Booklet (RIB) containing individual identifiers separately from the interviews in locked file cabinets whose access will be restricted to authorized Abt Associates personnel only. Interviews with non-individually

identifiable information are stored separately in a locked safe. Magnetic data are further protected by special account numbers and passwords.

The contractor conforms to the Department's ADP Systems Manual, "Part 6, ADP System Security." Access to the linkage associated with identifiable data for individuals is subject to the specific approval of the Project Director at Abt Associates, Inc. Information with individual identifiers is used to verify that records and personal statements are in substantial agreement and that critical data are not missing. Should there be apparent discrepancies, the correct situation could be identified through follow-ups. These uses are performed only by persons employed by Abt Associates, Inc. and then only on a "need to know" basis. At the conclusion of the data collection and cleaning period, all files containing RIBs will be destroyed.

Non-individually identifiable data are used for analysis in support of the overall demonstration evaluation. Research topics of the evaluation include: payment and caseload effects; payment accuracy; administrative outcomes and recipient effects. The aggregated data without personal identifiers are available to any member of the public or to any agency of the government.

The Office of the Assistant Secretary for Planning and Evaluation may conduct analyses of non-individually identifiable data, as necessary.

The Government Project Officer may have access to the identifiable records only to monitor the contractor's performance of the evaluation.

RETENTION AND DISPOSAL:

Magnetic files that contain individually identifiable information will be destroyed by shredding or degaussing no more than three years after field work on this evaluation or at such time as it is determined that no further validation of the data will be undertaken.

There are no plans for the destruction of the non-individually identifiable data.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

An individual requesting notice as to whether the system of records contains information pertaining to him/her, should write to the Government Project Officer, at the address below, indicating

his/her full name, current address and any other addresses since March 1981. Simultaneously with requesting notification of inclusion in the system of records, the individual may request record access as described in the "Record Access Procedure" Section.

Project Officer, Monthly Reporting Demonstration Project, Room 457F, Office of the Assistant Secretary For Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Individuals who, through the notification procedures set out above, have established that the system of records contains information pertaining to them may request access to those records by writing to the Government Project Officer at the address given above. The Government Project Officer will notify the individual as to the place and time for access to the record(s). If the requestor prefers, and the information requested is not too voluminous, the material may be mailed.

CONTESTING RECORD PROCEDURES:

Contact the Government Project Officer at the address given above, reasonably identify the record, specify the information being contested, the rationale for the challenge and supply the information to be substituted and corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Information will be obtained from face-to-face interviews, client information systems and recipient case files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0088

SYSTEM NAME:

National Long-Term Care Channeling Demonstration (NLTCDD) DHHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Mathematica Policy Research, Inc. (MPR), P.O. Box 2393, Princeton, New Jersey 08540. Channeling Agencies (See Appendix 2).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will include records on a sample of approximately 14,000 individuals in ten states who have

signed an informed consent form and are participating in the National Long-Term Care Channeling Demonstration and approximately 47,450 individuals who apply to receive channeling services but are found inappropriate for the intervention.

CATEGORIES OF RECORDS IN THE SYSTEM:

"Channeling" is a brokerage process through which elderly and multiply-impaired individuals are referred to receive needed services from two or more agencies. The ten channeling agencies (hereafter referred to as agency) will collect names, addresses, and interview information on functional disability and service needs of potential participants, and assign an identification number to each individual. For those individuals who are not appropriate for channeling, personal identifying information will be maintained at the agency. Interview data and a sequential identifier will be forwarded to the evaluation contractor. Appropriate channeling clients will be randomly assigned to treatment or control groups. All information concerning control group members will be forwarded to the evaluation contractor. All data collected by the agency on treatment group members will be maintained at the agency. Screening and non-clinical baseline interview data on treatment group members also will be forwarded with personal identifiers and field identifying numbers to the evaluation contractor. The evaluation contractor will augment the information provided by the agency with data collected from interviews, and from health and social service records.

Independently, the agency will develop hard-copy case records on treatment group members which contain detailed individual identifying data, clinical and other information required to develop care plans and coordinate services, and details of services ordered and utilized. The case records will be maintained up to seven years after an individual dies, withdraws voluntarily from the program, moves out of the area, ceases to be appropriate for channeling services, or is terminated because the project ends. A client tracking system which will include information on client identity and status, will be implemented at all sites. Information from this system will be shared with the evaluation contractor. A further system of records will be maintained at those sites deemed to follow the "complex channeling" model. At these sites, a financial tracking system, some parts of which identify clients either by name or other identifying information, will be

implemented to monitor costs of services and to track service authorization and service use.

The evaluation contractor will collect and maintain data describing both individuals and facilities providing long-term care services. Data relating to individuals will include information collected by interview from the individual or his/her proxy and from families or informal care-givers, demographic and economic characteristics, health and functional status, service utilization, and out-of-pocket costs. In addition, utilization and cost data will be collected from Medicare and Medicaid claims and billing records and provider billings records. Individual identifiers will be names, addresses, and health insurance claim numbers for Medicare and Medicaid beneficiaries, as well as identifying numbers supplied by the evaluation contractor.

The use and maintenance of identifying numbers is discussed below in the section on retrievability.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 421 of the Older Americans Act, sections 1110, 1115, 1875, and 1881 of the Social Security Act, and sections 1528 and 1533(d) of the Public Health Service Act.

PURPOSE:

In 1980, the Department of Health and Human Services (HHS) initiated into National Long-Term Care Channeling Demonstration to develop and test methods to maximize the efficient use of existing long-term care resources. The Office of the Secretary (Assistant Secretary for Planning and Evaluation), the Administration on Aging, and the Health Care Financing Administration jointly manage this demonstration.

This demonstration was developed in response to serious concern at all levels of government about the rapid increase in nursing home costs, fragmentation of the existing service system, and federal financial incentives for nursing home placement for elders.

This national demonstration and evaluation have been established to test a community care approach to long-term care called "channeling." Channeling provides a central intake point in the community for older persons; a systematic assessment of the individual's needs; and continuing case management to develop, implement, and monitor a plan of care tailored to the individual's changing needs. (The channeling objectives can be found in Appendix 1.)

The channeling concept will be implemented by a community agency in ten states participating in the demonstration. (See Appendix 2.) Two models of channeling will be tested; one which relies on services already existing in the community, and one with additional service resources and a fixed budget approach.

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

There will be two routine uses of information in the system. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In addition disclosure will be made to a contractor of AOA, HCFA or ASPE involved in the NLTCDD, for the performance of research and statistical activities in order to accomplish the purposes for which the records are collected.

STORAGE:

Magnetic tape and disk, paper and card records.

RETRIEVABILITY:

The channeling agencies will assign evaluation contractor-supplied field identifying numbers to each applicant's record. This field identifying number is used for data collection purposes only, data is readily linked by staff with a need-to-know to personal identifiers.

According to the path the individual follows, i.e., becoming a member of the research sample or not, and becoming a member of the treatment or the control group, separation of personal identifiers and descriptions of the individual will take place at different points. For applicants deemed inappropriate at the channeling agency, the record is retrievable only at the channeling agency, where records of these individuals and the agency to which they were referred will be maintained, but detailed information about the applicant will not be kept. For participants in the research sample, the record must remain retrievable for the duration of the research namely for the 18-month period of follow-up after application to channeling during which period individuals are re-interviewed, and for a subsequent period during which additional information is collected and merged with interview data. For treatment group members who are on the caseload of the channeling agency, the records must remain retrievable as long as the individual remains a client and for a period of up to seven years after that. At the research

contractor, the data-collection (field) identifying number and any personal identifiers are removed from research files and replaced by a research-file identifying number. Thus, for data collection and validation purposes the "field" identifying number is used, and for file development and maintenance, the research-file identifying number is used. A master "link" file will be maintained which associates the two series of identifying numbers. Access to this file will be restricted to evaluation contractor staff who need to use the file to fulfill their professional duties.

SAFEGUARDS:

Channeling Agencies: Records will be kept in limited access areas. Records may only be accessed by agency personnel who need to know the contents of the records.

Mathematica Policy Research, Inc.: The evaluation contractor conforms to the DHHS ADP Systems Manual, "Part of ADP System Security." A system of separate identifiers is used to maximize security of records. Contact sheets with personal identifiers from interviews and abstracting forms are stored separately from non-individually identifiable data. Magnetic tape files and hard copy files with personal identifiers, and link files, are stored in locked cabinets or limited access areas. Research files are stripped of personal and field identifiers and are encoded with a distinct research identifier. Access to the linkages between identifiers is limited, and subject to the approval of the Project Director at Mathematica Policy Research, Inc.

MPR will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals.

RETENTION AND DISPOSAL:

As explained above, different types of data will be maintained and different retention periods will apply according to whether the applicant is found inappropriate or appropriate, and, if appropriate, whether a treatment or control group member. Treatment and control group members' identifying information will be maintained by MPR through completion of fielding operations in the demonstration, and for a period of three years to allow for future follow-up. The channeling agencies will maintain clinical records on treatment group members for up to seven years after a client is terminated from the program, and limited personal

information for individuals found inappropriate for channeling.

Data disposal will consist of shredding the hard copy (and so certifying) and degaussing computer records. There are no plans to dispose of non-identifiable individual data.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURES:

Project Officer National Long-Term Care Channeling Demonstration Evaluation, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, Room 433F.1, H.H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 245-1794. An individual requesting notice as to whether the system of records contains information pertaining to him/her, should write to the government Project Officer, at the above address, indicating his/her full name, current address and any other addresses since January, 1982. The individual may simultaneously request record access as described below.

RECORD ACCESS PROCEDURES:

Individuals who, through the notification procedures set out above, have established that the system of records contains information pertaining to them, may request access to those portions of the records pertaining to them by writing the government Project Officer at the address given above. The government Project Officer will notify the individual as to the place and time for access to the record(s) or if the individual wishes, arrange for mailing the records.

CONTESTING RECORD PROCEDURES:

Contact the government Project Officer at the address given above, reasonably identify the record, specify the information being contested, and supply the substitute information and corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Individual specific information will be gathered through interviews with the clients and their families, from providers and from the Medicare and Medicaid claims systems. Information that pertains to the providers will be collected from demonstration files, and executive interviews with health and social services provider personnel.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

The objectives of the channeling program are:

1. To marshal and direct long-term care resources in a community in ways that contain overall costs;
2. To increase access to a wider range of services than is currently available;
3. To match services used to the identified needs of clients;
4. To concentrate resources on those persons with the greatest need for long-term care;
5. To stimulate the development of needed in-home and community services which do not exist or are in short supply;
6. To reduce the unnecessary use of publicly-subsidized long-term care services, including costly medical and institutional services;
7. To promote efficiency and quality in community long-term care delivery systems;
8. To promote a reasonable division of labor between informal support systems (including families, neighbors, friends, privately-financed services and publicly-financed care); and
9. To maintain or enhance client outcomes, including physical and mental functioning and quality of life.

Appendix 2—Channeling Site Addresses

Florida: Barbara Brodbar, Channeling Director, Miami Jewish Home and Hospital for the Aged, 151 Northeast 52nd Street, Miami, Florida 33137

Kentucky: Shannon Bailey, Site Director, 742 High Street, Hazard, Kentucky 41701

Maine: Joyce Nye, Site Director, Southern Maine Senior Citizens, Inc., P.O. Box 4507, Portland, Maine 04101

Maryland: Betty Gordon, Channeling Project Director, C.A.R.E./Area Agency on Aging, 1114 Cathedral Street, Baltimore, Maryland 21201

Massachusetts: Marilyn Alex, Greater Lynn Senior Services, Inc., 25 Exchange Street, Lynn, Massachusetts 01903

New Jersey: George Legonsa, Site Director, County of Middlesex, Department of Human Services, 83 Bayard Street, P.O. Box 373, New Brunswick, New Jersey 08900

New York: Cynthia Pinazzo, Channeling Director, Rensselaer County, Department for the Aging, 1700 Seventh Avenue, Troy, New York 12160

Ohio: Elaine Woloshyn, Channeling Site Director, Western Reserve AAA, Room 512, Marion Building, 1278 West Third Street, Cleveland, Ohio 44113

Pennsylvania: David Eisenberg, Philadelphia Corp. for Aging, 1317 Filbert Street, Philadelphia, Pennsylvania 19107

Texas: Nancy Wilson, Channeling Project Director, TRIMS Gerontology Center, 1300 Moursund Avenue, Houston, Texas 77080

09-90-0089

SYSTEM NAME:

National Long-Term Care Survey, DHHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The Bureau of the Census, Washington, D.C. 20233

The National Opinion Research Center, 461 8th Avenue, 21st Floor, New York, New York 10001

and
6030 South Ellis, Chicago, IL 60637

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will include records on a sample of approximately 50,000 elderly Medicare beneficiaries who have been screened, detailed information on approximately 6,000 impaired individuals selected from the screened sample, and information on approximately 2,000 caregivers.

CATEGORIES OF RECORDS IN THE SYSTEM:

The data records on the screened beneficiaries will include information on personal care, instrumental activities such as managing money and taking medicine, and information on memory problems. The beneficiaries selected for the sample of impaired individuals will have records containing information on self-care, instrumental activities of daily living, mobility, physical functioning, mental functioning, social functioning, formal and informal service and supports, and income and assets. The caregivers records will contain information on the kinds and amount of care they give, the cost of care, and the social and demographic characteristics of the caregivers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1110 and 1875(a) of the Social Security Act and Section 421 of the Older Americans Act.

PURPOSE(S):

The purpose of the *National Long-Term Care Survey (Survey)* is to provide nationally valid data on the long-term care population. The data on the long-term care system gathered through the data are needed by Federal, State, and community policymakers. The information obtained in the *Survey* will assist those policymakers in the development of long-term care policies, for those among the rapidly increasing aged population who will require such care.

The data developed under this system of records are not currently available from other public or private sources. The *Survey*, which is managed by the Assistant Secretary for Planning and Evaluation, is the only new data

collection effort to be mounted under the *Long-Term Care Statistical Plan*.

The Survey was determined to be the most efficient and effective manner to obtain the needed information for policy decisions. The following types of information will be gathered: Demographic and economic characteristics, health conditions, functional status, utilization of formal medical and social services and costs of services, kinds and amount of informal care received, characteristics of informal caregivers, and health insurance coverage.

In order to obtain the greatest amount of pertinent information and retain consistency with the least demand on the respondents, the Survey has been divided into three components: A screen, an interview with the impaired person, and an interview with caregivers of impaired persons.

The purpose of the first two components is first to identify the sample population and then to query them for information as described above so that policymakers may have information directly from the population concerned. The purpose of the third component—the caregivers' interview—is to provide not only a different perspective, but more importantly to describe the amount and kinds of care given, costs of that care, and the demographic characteristics of those who provide the care.

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

Disclosure may be made:

(1) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(2) To contractors under contract with the Health Care Financing Administration (HCFA) or the Assistant Secretary for Planning and Evaluation (ASPE) of the Department of Health and Human Services (DHHS) which are involved in the National Long-Term Care Initiative (including disclosure by the Bureau of the Census to the National Opinion Research Center (NORC)) for the performance of research and statistical activities in order to accomplish the purposes for which the records are collected. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the department determines

that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Magnetic tape and disc, paper and card records.

RETRIEVABILITY:

Names, addresses, and Medicare numbers will be extracted from Health Care Financing Administration files and transmitted to Census. Names and addresses will be used to get in touch with persons, and will be retained on original records along with a unique identifying number. Only the identifying number will be included on the magnetic tape records. The original records will be reviewed by staff to ensure the accuracy of the magnetic tape records and to match the magnetic tape records to produce an unduplicated count of individuals.

SAFEGUARDS:

Safeguards are established in accordance with the HHS ADP System Manual, Part 6, ADP System Security, and the Census Administrative Manual, Chapter C-2 "Confidential Data. Sensitive Information and Requests Under the Freedom of Information and Privacy Act." Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity.

RETENTION AND DISPOSAL:

On the possibility that a followup may be undertaken, and hard copy of all interviews will be retained for a period not to exceed five years, after which they will be destroyed. Data disposal will consist of burning or shredding the hard copy (and so certifying) and degaussing computer records. There are

no plans to dispose of non-identifiable individual data.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURES:

Project Officer, National Long-Term Care Survey, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, Room 433F, HHH Building 200 Independence Avenue SW., Washington, D.C. 20201.

An individual requesting notice as to whether the system of records contains information pertaining to him/her, should write to the Government Project Officer, at the above address, indicating his/her full name, current address, address including zip code at the time she/he was first interviewed for the Survey, and date of birth. The individual may simultaneously request records access as described below.

RECORD ACCESS PROCEDURE:

Individuals who, through the notification procedures set out above, has established that the system of records contains information pertaining to them, may request access to those portions of the records pertaining to them by writing the Government Project Officer at the address given above. The individual should give his/her full name; current address; address, including zip code, at the time she/he was first interviewed for the Survey; and date of birth. The Government Project Officer will notify the individual as to the place and time for access to the record(s) or if the individual wishes, arrange for mailing the records.

CONTESTING RECORD PROCEDURES:

Contact the Government Project Officer at the address given above, reasonably identify the record as described above, specify the information being contested, and supply proposed substitute information and corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Individual-specific information will be gathered through interviews with beneficiaries and caregivers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-09-0090

SYSTEM NAME:

Recipient Survey of Alternative Approaches to Financing Day Care for AFDC Children/HHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The Urban Institute, 2100 M Street, N.W., Washington, D.C. 20037.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will include files developed from a sample of approximately 300 recipients of Aid to Families with Dependent Children (AFDC) receiving Federal subsidy for child care at seven sites. The system will contain mostly records of current recipients, however some former recipients may be interviewed.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contractor maintains two sets of files. The master list, which contains names, addresses, and telephone numbers of participating AFDC recipients. A project number links this file with the other file. Only the number permits identification of the individual. The written consent of the recipients who agree to participate in the study will be maintained with the master list.

With the exception of the linking number attached, the other file consists of non-individually identifiable information. Non-individually identifiable information being collected includes demographic characteristics, source(s) of income or support, child care history, employment and training experience, length of time in the welfare system, specifics on type or amount of child care, type of provider and nature of child care subsidy.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 626, 42 U.S.C. 641, and 42 U.S.C. 1397e.

PURPOSE OF THE SYSTEM OF RECORDS:

The proposed new system will provide data for the purpose of examining the various approaches to financing child care for AFDC recipients as well as obtaining a better understanding of State policy, how it is working and what is likely to occur. This system will also determine:

1. Types and quality of child care arrangements under different financing approaches;
2. The effect of the type and quality of care on the employment of AFDC recipients; and

3. The relative costs of different State approaches to financing day care.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made on behalf of that individual.

In addition, disclosure may be made to a contractor/sub-contractor in order to perform the duties compatible with, and necessary for the purpose for which the data were collected. The contractor shall be required to maintain Privacy Act safeguards with respect to those records.

Also, disclosure may be made to the Department of Justice in the event of litigation where the defendant is the Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity; HHS may disclose such records it may deem desirable for necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

STORAGE:

Magnetic tape and disk, paper records. A non-automated master list of names will be stored in a locked file. Automated recipient records containing no personal identifiers will be stored on magnetic tape and disk.

RETRIEVABILITY:

The matching of data in recipient records with personal identifiers will only be authorized by Westat and the Urban Institute project management staff for the following reasons:

1. Verification of data; and
2. At the request of a recipient in the sample.

SAFEGUARDS:

(Access controls) Access to the non-automated master list will be limited to Westat and the Urban Institute project management staff for the two reasons cited above, and only during the data collection phase of the project as described in the Retention and Disposal Section below.

RETENTION AND DISPOSAL:

During the collection phase of this project, the master list of names and project numbers will be stored under lock and key by the sub-contractor, Westat. Westat, upon completion of the interview and any necessary follow-up will then submit the master list of names

to the Urban Institute Project Director for locked storage. The Project Director will maintain the master list in locked files throughout the collection phase. Upon conclusion of the collection phase the Project Director will give the master list of names and project numbers to the Government Project Officer, where they will be placed in a locked file. In the event of a follow-up study these same families, may be contacted. The names will be destroyed by the Government Project Officer no later than one year after the project ends if no subsequent research is conducted.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Room 457F, H.H.H. Building, Washington, D.C. 20201.

NOTIFICATION PROCEDURES:

Inquiries related to information in this system should be directed to the Government Project Officer, at the address below, and should include full name and current address. Simultaneously, with requesting notification of inclusion in the system of records, the individual may request record access as described in the Record Access Procedures Section.

Project Officer, "Recipient Survey to Examine the Effects of Alternative Approaches to Financing Day Care for AFDC Children"
Office of the Assistant Secretary for Planning and Evaluation, Room 447F, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Individuals who, through the notification procedures set forth above have established that the system of records contains information pertaining to them may request access to these records by writing the Government Project Officer at the address given above. The Government Project Officer will notify the individual as to the place and time for access to the record(s). If the requester prefers, and the information requested is not too voluminous, the material may be mailed.

CONTESTING RECORD PROCEDURES:

Contact the Government Project Officer at the address given above, give full name and address, specify the information being contested, the rationale for the challenge and supply the information proposed for substitution.

and corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Information will be obtained from face-to-face interviews, client information systems and recipient case files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Region I, Administrative Support Center (ASC)

09-90-0075

SYSTEM NAME:

MBTA Prepaid Pass Program Participants. HHS RO1-ARD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

HHS Office of Director for Administrative Support Center, Room 2411, JFK Federal Building, Boston, Massachusetts 02203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any HHS employee who is participating in the MBTA Pass Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Department, SSN, Credit Union Account Number, Type of Plan, and signature of Employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 011491.

PURPOSE(S):

To promote employee participation in the President's Energy Program.

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

(a) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual; and

(b) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the

Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

3 x 5 cards in file box.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Office doors locked during nonworking hours.

RETENTION AND DISPOSAL:

Kept as long as employee is a participant in the Program. Cancellation cards are kept for six months after month cancelled; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary to Director for Administrative Support Center HHS, Room 2411, JFK Federal Building, Boston, Massachusetts 02203.

NOTIFICATION PROCEDURE:

Address: Same as above. Identifying Information: Name, Social Security Number (on a purely voluntary basis).

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Supplied by employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Region IX, Office of Regional Director (ORD)

09-90-1101

SYSTEM NAME:

Optional Form 55 Cards Issuance Log. HHS/OS/RIX/ORD/DAS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

DHHS, Region IX, Office of the Regional Director, Division of Administrative Services, 50 United Nations Plaza, Room 30, San Francisco, California 94102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have been issued United States Government Identification Cards (Optional Form 55, or OF-55) by the DHHS Region IX Division of Administrative Services. This includes (1) federal employees working in the federal office building at 50 United Nations Plaza, San Francisco, California; (2) certain private individuals ("contractors") providing services at that location; (3) DHHS employees working elsewhere in San Francisco; and (4) DHHS employees working in Region IX and requesting an official identification card.

CATEGORIES OF RECORDS IN THE SYSTEM:

Serial number of OF-55 card, date of issuance, name of individual to whom issued, individual's agency designation (for federal employees, the employing agency; for other individuals, indication of non-federal status and/or the employer), and void date for the card. In addition, for individuals in the first three categories above, the system will contain a small photograph of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 499, 701; 40 U.S.C. 318a-318c, 486(c), 490; 41 CFR 101-20.302, 101-20.501 to .503.

PURPOSE(S):

The system is used with the identification cards in a building security plan for the federal office building at 50 United Nations Plaza, San Francisco. Agency staff may refer to the system when an individual presents a card for admission to the building, to determine whether the card is valid and whether the individual presenting it is the one to whom it was issued.

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

(1) In the event that the system of records indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant

records in the system may be referred to the appropriate federal, state, or local agency charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto.

(2) A record from this system of records may be disclosed to a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(3) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(4) Disclosures may be made to persons participating in employee discipline or competence determination proceedings for the purposes of such proceedings.

(5) Disclosure from the record of an individual may be made to a congressional office in response to an inquiry from the congressional office made at the request of that individual.

(6) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Department of Justice has agreed to represent such employee, the Department may disclose to the

Department of Justice such records as it deems desirable or necessary to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(7) Upon request any member of the unit(s) responsible for building security at the federal office building located at 50 United Nations Plaza, San Francisco, California, the Department may disclose such records as are needed to ensure the integrity and proper functioning of the building access security system in effect in that building.

(8) In the event that an individual to whom we issued an OF-55 card is the subject of an investigation for a violation or potential violation of law, whether criminal, civil, or regulatory in nature, and whether arising by general or particular program statute, or by regulation, rule, or order issued pursuant thereto, relevant records in the system may be released to the appropriate federal, state, or local law enforcement agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation, or order issued pursuant thereto.

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

STORAGE:

The printed information is recorded in log format and kept in a binder. The photographs (only of HHS San Francisco employees and Federal employees and contractors needing access card to 50 United Nations Plaza building) are also stored in the binder, but on separate pages from the printed information. (Only the individual's OF-55 serial number accompanies the photograph.)

RETRIEVABILITY:

The records are retrieved by serial numbers of the OF-55 cards. (Retrieval of the printed information by manual search of employees' and contractors' names would also be possible under exigent circumstances.)

If abuse of the building access security system or unauthorized use of card is suspected, the Division of Administrative Services may provide the individual's name and component/office to the Regional Director and/or the employee's supervisor for investigation.

SAFEGUARDS:

Direct access is restricted to the System Manager (see below). The log binder is kept in a locked file cabinet. The System Manager's office is locked during non-work hours.

RETENTION AND DISPOSAL:

When an employee resigns, retires, or otherwise terminates employment, or a contractor no longer needs access to the 50 United Nations Plaza building, his/her OF-55 card must be surrendered. When it is returned to the System Manager, the employee's or contractor's log entry will be removed and his/her photograph and card will be destroyed. If a new card is issued to an employee or contractor when his/her old card expires, the log entry will be updated to reflect the new card's serial number and void date.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Logistics Branch, Division of Administrative Services, DHHS, 50 United Nations Plaza, Room 30, San Francisco, California 94102.

NOTIFICATION PROCEDURES:

Inquiries should be addressed to the System Manager; the serial number on the OF-55 card should be provided.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Contact the System Manager specified above; reasonably identify the record and specify the information to be contested and indicate corrective action sought and reason for corrections with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Name and agency designation are supplied by the employee or contractor. The photograph is taken when the OF-55 card is issued. Serial number, date of issuance, and void date are assigned or supplied by the Division of Administrative Services when the OF-55 card is issued.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-23938 Filed 10-12-82; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Health Services Administration (HSA), Public Health Service (PHS), HHS.

ACTION: HSA is publishing this document to meet the requirements of Section 3(e)(4) of the Privacy Act (5 U.S.C. 552(a)), providing for annual publication of the existence and character of systems of records which are subject to the Act.

SUMMARY: This preamble summarizes significant changes to systems of individually identifiable records which have occurred since the 1981 annual publication.

Notices of all systems of records currently maintained by the component organizations of HSA follow this preamble. The notices include modifications for the purposes of clarity, timeliness, and correctness, and are complete as of August 3, 1982. None of the modifications being made at this time meet the OMB criteria for a new or altered system report, or a period of public comment.

SUPPLEMENTARY INFORMATION:

A. General Information

Notices published below describe systems of records maintained by HSA.

The routine uses set forth in each notice describe permissible disclosures outside the Department of records in that system, which may be made without the consent of individuals who are the subjects of these records. Additional disclosures without consent of subject individuals are permitted by the Privacy Act itself in section 3(b), as follows:

"(1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

"(2) required under section 552 of this title [the Freedom of Information Act];

"(3) for a routine use as [described in the routine use section each specific system notice];

"(4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provision of title 13;

"(5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

"(6) to the National Archives of the United States a record which has sufficient historical

or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

"(7) to another agency or to an instrumentality of any government jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

"(9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction."

B. PHS Hospitals and Clinics Closed

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) eliminated the seafarers' entitlement to free health care on October 1, 1981. The Reconciliation Act also required that the Public Health Service hospitals and clinics that are operated by the Bureau of Medical Service either close or be transferred to the community. However, the National Hansen's Disease Center, Carville, Louisiana, was not affected by these events. The present location of records formerly located at these hospitals and clinics are indicated in each system notice.

C. Terminated Systems of Records

Certain other PHS programs were also terminated as a result of the Reconciliation Act. Several systems of records were rendered obsolete by these changes. Selected information from the records under the research systems notices were transferred either to the "Patients Medical Record System, PHS Hospitals and Clinics" (09-15-0007) or destroyed. Other records at the PHS hospitals and clinics were either transferred to umbrella systems of records, such as the "Personnel Records in Operating Offices, HHS/OS/ASPER" (09-90-0018), or the "PHS Commissioned Corps Training Files, HHS/OASH/OM" (09-37-0004), or retired to the Federal Records Centers. A list of the Federal Records Centers is found in Appendix 2 of the "Patients Medical Record System,

PHS Hospitals and Clinics" (09-15-0007).

Obsolete Systems of Records for the Bureau of Medical Services are:

- 09-15-0005 Dental Research—Evaluation of Restorative Materials
- 09-15-0006 Cooperative Research Studies—Coronary Artery Disease
- 09-15-0009 Cooperative Research Studies Systems—Pyelonephritis
- 09-15-0010 Cooperative Research Studies System—Essential Hypertension
- 09-15-0034 Health Care Provider Profile

D. Revised System Notice (09-15-0001)

Two sections of the system notice "Division of Federal Employees Occupational Health (DFOH)—Health and Counseling Records," HHS/HSA/BMS (09-15-0001), have been revised. The "Categories of Records" and "Purpose" sections were revised to describe more accurately the types of records in the system and the purposes of the DFOH system of records. None of the changes are alterations to the system nor an expansion of the system notice. Rather, they are intended to clarify the types of records and more clearly state the purposes of the record system.

E. New System of Records: IHS—(09-15-0036)

Health Professions Preparatory Scholarship Program for Indians and Health Professions Scholarship Program Record System, HHS/HSA/IHS.

The purpose of this system of records is to select candidates for the Indian Health Service (IHS) scholarship program, to monitor the scholarship-related activities of candidates selected, and to evaluate the effectiveness of the program. Scholarship-related activities are defined as enrollment and attendance in IHS funded courses, the receipt by the student of a monthly stipend and the expenditure of funds by the student for the purchase of supplies (including books), equipment, tuition, fees and other reimbursable and justified expenses authorized by IHS. Records in this system have been submitted by individuals who have applied for and have been approved to receive, are receiving, and have received scholarship grant funds provided by IHS since January 1978. Records of approximately 2,000 individuals are included in this system of records. Scholarship application packets of individuals whose request for scholarship grant funding has been denied by IHS are not retained by IHS. These application packets are returned to the applicant and no record of the

receipt of such applications by IHS is entered into this system.

Specifically, Title I of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.), provides scholarship grant monies for two purposes:

Section 103—Health Professions Preparatory Scholarship Program for Indians (25 U.S.C. 1613)—provides critical support to American Indian and Alaskan Native students who, because of the inadequacy of their educational background, need compensatory education.

Section 104—Health Professions Scholarship Program (45 U.S.C. 294)—provides the necessary tuition and other financial support for students pursuing training in health professions with health manpower shortages.

Records of scholarship grants awarded under the Section 104 program are merged with scholarship grant records awarded under the Section 103 program in those instances in which students have received funding under both programs. Students receiving scholarship grant funding under Section 104 need not have received prior support under Section 103. During the 1980-1981 academic year 50 students funded under the Section 103 grant program became eligible for and were granted support under Section 104.

Readers who notice any inadvertent errors or omissions in HSA system notices are invited to bring them to my attention at the following address:

Department of Health and Human Services, Public Health Service, Health Services Administration, Office of the Administrator, Room 14A-03, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: August 4, 1982.

William H. Aspden, Jr.,
Associate Administrator for Management,
HSA.

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09-15-0001

SYSTEM NAME:

Division of Federal Employee Occupational Health, Health and Counseling Records, HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

A current list of health and counseling unit sites is available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees enrolled in PHS/DFEOH Health Units and individuals examined/treated/counseled by DFEOH staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health records including examination, diagnostic, counseling treatment data, information for program eligibility, social data, laboratory findings, nutrition and dietetic files, nursing notes, mental health files, and immunization registers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901 (Health Service to Employees), OMB Circular No. A-72.

PURPOSE(S):

Employees are provided occupational health services (on a voluntary basis). Data necessary to ensure:

1. Proper evaluation, diagnosis, treatment, and referral to maintain continuity of care.
2. A medical history of the total health care and medical treatment received by the individual.
3. Planning for further care of the patient.
4. A means of communication among members of the health care team who contribute to the patient's care.
5. A legal document of health care rendered.
6. A tool for evaluating quality of health care rendered.

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

Certain records may be disclosed to medical laboratories, medical consultants, or computer processing firms under a service contract agreement. Recipients are required to maintain adequate safeguards with respect to such records.

In the event of a change in sponsorship of a PHS/DFEOH health care unit or in a case of mass transfer of employees covered by a PHS/DFEOH health care unit to one served by a nondepartmental organization, the health records will be transferred to the custodianship of the new organization.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to the U.S. Department of Labor, Office of Workers' Compensation Programs, of those files of persons claiming compensation

benefits due to personal injury while on the job.

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

STORAGE:

File folders.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

1. Authorized Users: DFEOH Health Unit personnel, physicians, nurses, and other allied health professionals.
2. Physical Safeguards: All documents are secured during lunch hours and nonworking hours in locked file cabinets or locked storage areas.
3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from the public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the DFEOH Manual of Operations, BMS Privacy Act Implementation Guidelines; HHS Ch 45-13 and Ch PHS.hf:45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA—Period of service or 6 years if inactive. How destroyed: shredded and disposed of if inactive more than 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Federal Employee Occupational Health, Bureau of Medical Services, Room 13A55, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. Individual must provide positive identification, such as driver's license, passport, voter registration card, union card, or a written certification verifying his or her identity. Individuals must provide treatment location and approximate date of treatment. Requesters should also reasonably specify the record contents being sought. An individual who requests access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURE:

Same as notification procedure.

CONTESTING RECORD PROCEDURE:

Contact the official at the address specified in the Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained from the Federal employee, the x-ray, laboratory, and EKG contractors, physician and nurse notes, OWCP and personnel office; or supplied by a member of the individual's family, or derived from information supplied by the individual. Information may also be supplied from sources to whom the employee has been referred for assistance, Department officials, or program counselors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0002

SYSTEM NAME:

Record of Patients' Personal Valuables and Monies. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Financial Management Branch—National Hansen's Disease Center, Carville, Louisiana 70721.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals admitted to the National Hansen's Disease Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information regarding personal valuables, such as watches or rings, and monies checked in by the patients for safe-keeping.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 321 (42 U.S.C. 248).

PURPOSE(S):

The purpose of the system is to provide for the safekeeping of patients' valuables. Records may also be used by the HHS Audit Agency for audit purposes.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Valuables and monies are sealed in an envelope and filed in a locked safe.

RETRIEVABILITY:

Name and hospital record number.

SAFEGUARDS:

1. Authorized users: PHS facility personnel responsible for the security of valuables and monies, PHS facility cashiers, nurses, and physicians.
2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.
3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; HHS Ch 45-13 and Ch PHS.hf: 45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA: Until audited by HHS Audit Agency. How destroyed: incinerator.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Financial Management Branch, BMS, National Hansen's Disease Center, Carville, Louisiana 70721.

NOTIFICATION PROCEDURE:

Write to the Financial Management Office at the National Hansen's Disease Center. Individual must provide positive identification such as driver's license, passport, voter registration card, union card, or a written certification verifying

his or her identity. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Patient and admission record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0003

SYSTEM NAME:

Contract Physicians and Consultants. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Medical Services, 5600 Fishers Lane, Rockville, Maryland 20857. National Hansen's Disease Center, Carville, Louisiana 70721.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medical and allied health professionals (e.g., physicians, nurses, physical therapists, and dentists) who have contracted with the Bureau of Medical Services to provide services to beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Duplicate of original BMS contract and personal data qualifications. Original contracts developed by the National Hansen's Disease Center.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 320, 321, 326, (42 U.S.C. 248, 253, 255).

PURPOSE(S):

To monitor contract negotiations and compliance, to review credentials, and to collect statistical data required to manage the program.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Where a contract between a component of the Department and a recognized labor organization provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

File folders.

RETRIEVABILITY:

Name and contract number.

SAFEGUARDS:

1. Authorized Users: PHS supervisory medical officers, financial management staff and contracting personnel.
2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.
3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public and from unauthorized personnel entering an unsupervised office. Access to records is

strictly limited to those staff members trained in accordance with BMS Privacy Act Implementation Guidelines; HHS Ch 45-13 and Ch PHS.hf:45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Duplicate contracts: Held at HSA—1-3 years dependent upon renewal. Destroyed by shredding.

Original Contracts: 1. Transactions of more than \$10,000: destroy 6 years and 3 months after final payment. 2. Transactions of \$10,000 or less: destroy 3 years after final payment.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Services Branch, Bureau of Medical Services, Room 13-27, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above or the facility where the contract was negotiated. (See System Location). The individual must provide positive identification, such as driver's license, passport, voter registration card, or written certification verifying his or her identity. Requesters should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Medical, allied health professionals and dentists.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0004

SYSTEM NAME:

Federal Employee Occupational Health Data System. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Medical Services, Division of Federal Employee Occupational Health, 5600 Fishers Lane, Rockville, MD 20857.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Federal employees enrolled in PHS/DFEOH Health Units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health record derived data organized and presented for analysis and program planning purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901, OMB Circular No. A-72.

PURPOSE(S):

The system is designed to provide health record derived data for program analysis and planning purposes in a fashion to reduce the manual information processing workload of unit physicians, nurses, and other health professionals.

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

U.S. Department of Labor, Office of Workers' Compensation Programs, may be given access to files of those persons claiming compensation benefits due to personal injury while on the job.

Certain records may be disclosed to medical laboratories, medical consultants, or computer processing firms under service contract agreement. Recipients are required to maintain adequate safeguards with respect to such records.

In the event of a change in sponsorship of a PHS/DFEOH health care unit or in a case of mass transfer of employees covered by a PHS/DFEOH health care unit to one served by a nondepartmental organization, the health records will be transferred to the custodianship of the new organization.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Magnetic tape and disc.

RETRIEVABILITY:

Name and Social Security numbers, which are supplied on a voluntary basis, are used for retrieval.

SAFEGUARDS:

1. Authorized Users: DFEHOH personnel, health unit physicians, nurses, and other allied health professionals.

2. Physical Safeguards: Magnetic tapes, discs, and other computer

equipment and computerized data are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: A password is required to access the terminal and a data set name controls the release of data only to authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines HHS Ch 45-13 and Ch PHS.hf:45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA— Permanently or until 5 years after record becomes inactive. Purged from computer and stored on computer tape for a period of 5 years after files become inactive.

SYSTEMS MANAGER(S) AND ADDRESS:

Director, Division of Federal Employee Occupational Health, Bureau of Medical Services, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. Individuals must provide positive identification, such as driver's license, passport, voter, registration card, union card, or a written certification verifying his or her identity. Individuals must provide treatment locations and approximate date of treatment. Requestors should also reasonably specify the record contents being sought. An individual who requests access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained from the Federal employee, the x-ray, laboratory, and EKG contractors, physician and nurse notes; OWCP and personnel office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0007

SYSTEM NAME:

Patients Medical Record System PHS Hospitals/Clinics. HHS/HSA/BMS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See appendices 1 and 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals examined and/or treated at former Public Health Service Hospitals and Clinics and the National Hansen's Disease Center, Carville, Louisiana.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical examination, diagnostic and treatment data; information for proof of eligibility; social data such as address and birthdate; disease registers such as, Hansen's disease, tumor and surgical procedure registers; treatment logs, summaries and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act: Section 320 (Receipt, Apprehension, Treatment and Release of Lepers); Section 321 (Hospitals, Medical Examinations, and Medical Care); and Section 326 (Service to Coast Guard, Coast and Geodetic Survey, and Public Health Service).

PURPOSE(S):

The purposes of this system are:

1. To serve as a basis for planning patient care and for continuity in the evaluation of the patient's condition and treatment to furnish documentary evidence of the course of the patient's medical evaluation, treatment and change in condition during the hospital stay, ambulatory care or emergency visit, or while being followed in a facility-based home care program;
2. To document communications between the responsible practitioner and any other health professionals contributing to the patient's care and treatment to assist in protecting the legal interests of the patient, the hospital or clinic and responsible practitioners;

3. To provide data for use in facility management, continuing education, Department initiatives, quality assurance activities and research at the National Hansen's Disease Center, Carville, Louisiana.

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

Disclosure may be made to:

- (1) Any community health organization, government agency, private physician and/or company which has requested or arranged for an examination, treatment or care of an individual by the Bureau of Medical Services.
- (2) Army, Navy, Air Force to report results of examination/treatment of their uniformed service personnel.
- (3) Department of Transportation to report results of examination/treatment of their uniformed services personnel found to be suffering from conditions that render them hazardous to themselves or to others.
- (4) Department of Commerce to report results of examination/treatment of uniformed services and other personnel of that agency.
- (5) Immigration and Naturalization Service to report results of examination/treatment of aliens examined and treated for and in behalf of that agency.
- (6) Bureau of Prisons (BP) to report results of examination and treatment of patients examined and/or treated for and on behalf of the BP.
- (7) Federal, state or private health benefit plans for billing purposes.
- (8) U.S. Department of Labor, Office of Workers' Compensation Programs for persons claiming compensation benefits due to personal injury while employed by the Government.
- (9) Organizations such as Joint Commission on Accreditation of Hospitals for accreditation of hospitals and clinics, and American Medical Association for accreditation of resident training programs. Medical records are used to document quality of service by health care providers.
- (10) Health professions students serving an affiliation at the institution and their parent education program; students provide patient care and use medical records in performance of their duties.
- (11) Nonagency physicians providing continuing care to current and former PHS beneficiaries, laboratories performing tests for the continuing care of these patients, and successor organizations providing health care in former PHS hospitals and clinics.
- (12) Veterans Administration to assist uniformed service personnel, retirees

and veterans to obtain medical care or benefits.

(13) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(14) Disclosure may be made to a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. The contractor is required to maintain Privacy Act safeguards with respect to such records.

(15) A record may be disclosed for a research purpose, when the department: (a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained; (b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring; (c) has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law; (d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

(16) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

(17) Information regarding the commission of crimes or the reporting or occurrence of communicable diseases, tumors, child abuse, births, deaths, alcohol or drug abuse, etc. as may be required by health providers and facilities, by state law, or regulation of

the Department of Health or other agency of the state or its subdivision in which the facility is located. Disclosure may be made to organizations as specified by the state law or regulation such as birth and deaths to vital statistics agencies and crimes to law enforcement agencies. Disclosure of the contents of records which pertain to patient identity, diagnosis, prognosis or treatment of alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations 42 CFR Part 2 as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended by Pub. L. 93-282. To the extent possible, identical restrictions are applied to the disclosure of the contents of records pertaining to individuals with other programs who are participating in employee counseling programs.

(18) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with purpose for which the records were collected.

(19) To organizations or individuals with agreements to provide services to such facilities for the purpose of photocopying or abstracting medical record data services.

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

STORAGE:

File folders, magnetic tape, punch cards, microfilm.

RETRIEVABILITY:

Indexed by name, register number, number control register, disease and operation, uniformed services service number which is the social security number. Those records indexed by SSN are retrieved in accordance with section 7(a)(2)(B) of the Privacy Act.

SAFEGUARDS:

1. Authorized Users: Health care practitioners, and other allied health personnel, medical and allied health

students and administrative personnel for determination of eligibility for care and facility management; qualified research personnel with approved protocol; HHS Commissioned Personnel Operation Division; and PHS Claims Officer.

2. **Physical Safeguards:** Magnetic tapes, discs, other computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. **Procedural Safeguards:** A password is required to access the terminal and a data set name controls the release of data only to authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act, Implementation Guidelines; HHS Ch 45-13 and Ch PHS hf: 45-13 of the General Administration Manual and Part 6 of the Department's ADP Systems Manual. The Memorandums of Agreement between the successor organizations and the public Health Service require the successor organizations to comply with the Privacy Act, BMS, PHS, and HHS guidelines have been provided to each successor organization.

RETENTION AND DISPOSAL:

Number of years held at HSA (or successor organization) (since 1970)—5 years after last activity. Number of years then held at Federal Record Center (See appendix 2) before disposal—50 years for active duty uniformed service personnel, 25 years for all others. How destroyed: The disposal standard for these records may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services, 5600 Fishers Lane, Rockville, Maryland, 20857.

NOTIFICATION PROCEDURE:

To determine the existence of a record, write to the facility where treatment was rendered if listed in Appendix 1. (Note that the facility may now be operated under a different name by the successor organization.) If the facility is not listed, write to: Director, Public Health Service Health Data

Center, 10000 Aerospace Road, Warehouse No. 1, Lanham, Maryland 20706. Requests for records at the Federal Records Centers must be processed through the System Manager or the Public Health Service Health Data Center, Lanham, Maryland. If requesting records by mail, a written certification verifying identity must be provided. If appearing in person at the National Hansen's Disease Center, Carville, Louisiana, positive identification such as a driver's license, passport, or voter's registration card must be provided. An individual who requests access to a medical/dental record shall designate in writing, at the time the request is made, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. Finally, a parent or guardian who requests notification of access to a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURE:

Contact the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, health care personnel, other hospitals and physicians, employers, social agencies, maritime unions, shipping companies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

A. Public Health Service Facilities

Director, National Hansen's Disease Center, Carville, Louisiana 70721.

Director, Public Health Service Health Data Center, 10000 Aerospace Road, Warehouse No. 1, Lanham, Maryland 20706.

B. Successor Organizations

Director, Wyman Park Health System, Inc., 3100 Wyman Park Drive, Baltimore, Maryland 21211.

Director, Brighton Marine Public Health Center, 77 Warren Street, Boston (Brighton), Massachusetts 02135.

Administrator, Lutheran Downtown Health Care Services, 1313 Superior Ave., Cleveland, Ohio 44114.

Director, Hospital of St. John, 2050 Space Park Drive, Nassau Bay, Texas 77058.

Director, New Orleans Adolescent Children's Hospital, 210 State Street, New Orleans, Louisiana 70118.

Officer-in-Charge, Lafayette River Branch Clinic, 6500 Hampton Boulevard, Norfolk, Virginia 23508.

Administrator, Coastal Health Services, 331 Veranda Street, Portland, Maine 04103.

Officer-in-Charge, U.S. Army St. Louis Outpatient Clinic, 1520 Market Street, St. Louis, Missouri 63103.

Director, Seattle Public Health Hospital, 1131 14th Avenue South, Seattle, Washington 98144.

Director, Bayley Seton Hospital, Bay Street and Vanderbilt Avenue, Staten Island, New York 10304.

Appendix 2—Federal Records Centers

Areas Served

Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island:

Federal Archives & Records Center, GSA, 380 Trapelo Road, Waltham, Massachusetts 02154.

New York, New Jersey, Puerto Rico, the Virgin Islands, and the Panama Canal Zone:

Federal Archives & Records Center, GSA, Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002.

Delaware and Pennsylvania east of Lancaster:

Federal Archives and Records Center, GSA, 5000 Wissahicko Avenue, Philadelphia, PA 19144.

Pennsylvania except areas east of Lancaster: Federal Records Center, Defense Activities, Bldg. 308, Mechanicsburg, PA 17055.

District of Columbia, Maryland, Virginia, and West Virginia:

Washington National Records Center, GSA, Washington, DC 20409.

North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida and Kentucky:

Federal Archives & Records Center, GSA, 1557 St. Joseph Avenue, East Point, GA 30344.

Illinois, Wisconsin and Minnesota:

Federal Archives and Records Center, GSA, 7358 South Pulaski Road, Chicago, IL 60629.

Indiana, Michigan, and Ohio:

Federal Records Center, 3150 Bertwynn Drive, Dayton, Ohio 45439.

Kansas, Iowa, Nebraska, and Missouri (except greater St. Louis area):

Federal Archives and Records Center, 2306 East Bannister Road, Kansas City, MO 64131.

Greater St. Louis Area:

National Personnel Records Center, GSA (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.

Texas, Oklahoma, Arkansas, Louisiana, and New Mexico:

Federal Archives & Records Center, GSA, P.O. Box 6216, Ft. Worth, TX 76115.

Colorado, Wyoming, Utah, Montana, North Dakota, and South Dakota:
Federal Archives and Records Center, Bldg. 48, Denver Federal Center, P.O. Box 25307, Denver, CO 80225.

Nevada (except Clark County), California (except Southern California), and American Samoa:
Federal Archives & Records Center, GSA, 1000 Commodore Drive, San Bruno, CA 94066.

Clark County, Nevada; Southern California (Counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, Imperial, Inyo, and San Diego), and Arizona:
Federal Archives & Records Center, GSA, 24000 Avila Road, Laguna Niguel, CA 92677.

Washington, Oregon, Idaho, Alaska, Hawaii, and Pacific Ocean Area (except American Samoa):
Federal Archives & Records Center, GSA, 6125 San Point Way, Seattle, WA 98115.

09-15-0008

SYSTEM NAME:

Emergency Non-PHS Treatment Authorization File. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Medical Services, 5600 Fishers Lane, Rockville, MD 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are eligible for emergency care paid by the Public Health Service at non-PHS medical facilities and who have had such care.

CATEGORIES OF RECORDS IN THE SYSTEM:

Eligibility information and reasons for emergency care.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 320, 321, and 326, (42 U.S.C. 248, 253, and 255).

PURPOSE(S):

To determine eligibility for medical care by PHS, to document expenditure of public funds; to review and evaluate the quality of medical care.

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

Disclosure may be made to insurance companies for third party reimbursement.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any

component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Document files.

RETRIEVABILITY:

Name.

SAFEGUARDS:

1. Authorized Users: Administrative officials, physicians; or other health care professionals; financial management personnel, BMS: HHS Audit Agency for audit purposes.

2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file-cabinets and locked storage areas.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; and HHS Ch 45-13; and Ch PHS HF:45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA: Until audited by HHS Audit Agency. Then destroyed by shredding or in incinerator.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine the existence of a record, write to the facility where treatment or service was rendered. Individual must provide positive identification, such as driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identity. Requesters should

also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURE:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual or someone acting in his/her behalf, and providers of medical care.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0018

SYSTEM NAME:

Unofficial Vital Records System. HHS/HSA/IHS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Indian Health Service Area and Program Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

American Indian and Alaskan Native birth records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Birth information. The records include paper copies or microfilm images of State records or machine readable data prepared by the State from records collected under the laws of each State for births. The records contain the demographic characteristics of individuals associated with each event. In addition the birth records include information on the characteristics of each live birth, the health status of the infant, and socioeconomic characteristics of the parents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 321 (42 U.S.C. 258, 2001 et seq.).

PURPOSE(S):

Used in health care program development, analysis, and evaluation. Birth record is an unofficial copy of the State record which is used internally for aggregate statistical and planning purposes.

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

Disclosure may be made to a congressional office from the unofficial birth record of a subject individual in response to an inquiry from the congressional office made at the request of the subject individual. Such disclosure will be made in conjunction with notification that the birth record is an unofficial copy of the State Record, thus it must be verified by the State Health Department from which the record came.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders in file cases; microfilm reels, computer cards and tapes.

RETRIEVABILITY:

Indexed by date of event, mother's name, state, and county of occurrence and residence.

SAFEGUARDS:

Stored in locked files and cabinets, located in secured areas. Only authorized individuals in the performance of their official duties are granted access to locked areas. Authorized individuals include maternal and child health personnel, health planners, statisticians, epidemiologists, demographers, and others concerned with problems of health, health care, and health hazards. Access to records is limited in accordance with implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS, hf:45-13 of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6, "ADP Systems Security."

RETENTION AND DISPOSAL:

Number of years held at IHS: Varies by IHS area from 1 year to permanently. How destroyed: Burned or shredded.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix.

NOTIFICATION PROCEDURE:

To determine if a records exists, write to the official at the appropriate address specified in the appendix. Supply date of birth, place of birth, father's name, and mother's maiden name.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified in the appendix and reasonably identify the record, specify the information to be contested, and state the corrective action sought with supporting justification. The information contested may only be changed in the unofficial vital records system and the State must be notified separately to change the official documents.

RECORD SOURCE CATEGORIES:

Source documents are obtained from State vital statistics offices and other jurisdictions. Information sources include parent(s) as well as the medical care provider.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Director, Aberdeen Area Indian Health Service, Federal Building, 145 Fourth Avenue, S.E., Aberdeen, South Dakota 57401, Attn: Chief Maternal and Child Health Branch

Director, Albuquerque Area Indian Health Service, Room 4005, Federal Office Building, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87101, Attn: Chief, Program Analysis & Statistics Br.

Director, Alaska Area Native Health Service, P.O. Box 7-741, Anchorage, Alaska 99510, Attn: Chief, Office of Systems Development

Program Director, Bemidji Program Office, Indian Health Service, 203 Federal Building, Box 768, Bemidji, Minnesota 56601, Attn: Privacy Act Coordinator

Director, Billings Area Indian Health Service, P.O. Box 2143, Billings, Montana 59103, Attn: Area Program Planning & Statistics Office

Director, Navajo Area Indian Health Service, P.O. Box G, Window Rock, Arizona 86515, Attn: Chief, Maternal and Child Health Br.

Director, Oklahoma City Area Indian Health Service, 215 Dean A. McGee Street, N.W., Oklahoma City, Oklahoma 73102-3477, Attn: Chief, Program Analysis & Statistics Br.

Director, Phoenix Area Indian Health Service, 3738 N. 16th Street, Suite A,

Phoenix, Arizona 85016-5981 Attn: Director, Office of Program Planning

Director, Portland Area Indian Health Service, Room 476, Federal Building, 1220 Southwest Third, Portland, Oregon 97204-2892, Attn: Chief, Program Planning & Statistics

Program Director, United Southeastern Tribes, Indian Health Service, Oak Towers Building, 1101 Kermit Drive, Nashville, Tennessee 37217-2191, Attn: Privacy Act Coordinator

Director, Tucson Program Office, Indian Health Service, P.O. Box 11340, Tucson, Arizona 85734, Attn: Chief, Community Health Status Surveillance

Director, California Program Office, Indian Health Service, 2800 Cottage Way, E-1831, Sacramento, California 95825, Attn: Privacy Act Coordinator

09-15-0019

SYSTEM NAME:

Health and Medical Records Systems, HHS/HSA/IHS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Indian Health Service (IHS) hospitals, health centers, school health centers, health stations, field clinics, Service Units, Area and Program Offices (Appendix 1), and Regional Federal Records Centers (Appendix 2). Records may be located at hospitals and offices of health care providers who are under contract to IHS. A current list of contractor sites is available by writing to the appropriate System Manager (Area or Service Unit Director) at the address shown in Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals examined/treated by IHS staff and by contract health care providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health and medical information including examination, diagnostic and treatment data, information for proof of eligibility, social data, disease registers, commitment registers, communicable disease registers, special program and/or discipline patient profiles and research studies, statistical summaries, contract care records, surgical logs, laboratory findings, emergency room logs, operation and/or disease index, nutrition and dietetic files, patients' social service/mental health case records, dental, nursing and eye care program files, delivery room logs, health care records, mental health files, obstetrical logs, child abuse and neglect registers, immunization registers, crippled children or handicapped

children registers, hearing aid users file cards, detoxification case records, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 321 (42 U.S.C. 248); 42 U.S.C. 2004a; Indian Self Determination and Education Assistance Act (25 U.S.C. 450); Snyder Act (25 U.S.C. 13); Health Care Improvement Act (25 U.S.C. 1601 et seq.); Construction of Community Hospitals Act (25 U.S.C. 2005-2005f); and the Indian Health Service Transfer Act (42 U.S.C. 2001-2004).

PURPOSES:

Records retrieved in individually identifiable form provide a description of the patient's illness, treatment administered, and the results achieved. Over time this record serves as a medical history of the total health care and medical treatment received by the individual. Uses of individually identifiable records within IHS are: to assist in planning for further care of the patient; to keep an accurate record of the patient's health status, services received and recommended; to serve as a basis for planning future health programs; to serve as a means of communication among members of the health care team who contribute to the patient's care; to serve as a legal document of health care rendered; to serve as a tool in evaluating quality of health care rendered; to be used for research and continuing education.

Individually identifiable records may be released to the following two components of the Department of Health and Human Services for the purposes stated:

To the National Centers for Disease Control for their surveillance of various communicable diseases among persons residing within the United States;

To the National Institutes of Health for their review of the prevalence of particular diseases (i.e., malignant neoplasms, diabetes mellitus, arthritis, metabolism and digestive diseases) for various ethnic groups of the Nation.

A by-product of the information contained in this system of records is program health statistics which is used by IHS to evaluate the effect of the IHS health care delivery program.

Aggregated program statistics, which maintain the privacy of the subject individuals, may be provided by IHS upon request to the following components of the Department of Health and Human Services (HHS) for the purposes stated below. (Please note that this list is not all inclusive, as other entities of HHS may be provided aggregated statistics on a one-time need-

to-know basis). Specifically, aggregated statistics may be provided:

To the National Center for Health Statistics, HHS, for its dissemination of aggregated health statistics for various ethnic groups of the Nation;

To the Assistant Secretary for Population Affairs for tracking of sterilizations provided through the use of Federal funds;

To the Health Care Financing Administration for the preparation of analytical studies related to Medicare and Medicaid reimbursement;

To the Office of the Assistant Secretary for Health and the Office of the Administrator of the Health Services Administration for program planning and review purposes;

To the Bureau of Community Health Services (BCHS), HSA, to assist in the designation of geographic locations in which BCHS may provide funds for the establishment of health care programs to improve the health status of the American Indian and Alaskan Native population.

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

1. Records in part or total may be disclosed to state, local or other authorized organizations which provide health services to American Indians and Alaskan Natives for the purpose of planning for or providing such services, billing third parties for the payment of care, and reporting results of medical examination, care and treatment.

2. Records in part or total may be disclosed to federal and non-federal school systems which serve American Indians and Alaskan Natives for the purpose of student health maintenance. Response to the request for disclosure will be based upon the subject matter being requested, the justification for its receipt, and the manner in which it will be used so as to protect its confidential nature. Disclosure will not be made unless the patient's right to privacy will be protected by the recipient of the information.

3. Records in part or total may be disclosed to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits, or utilization review.

4. Records in part or total may be disclosed to authorized organizations or individuals for conduct of analytical and evaluation studies sponsored by the Indian Health Service.

5. Records in part or total may be disclosed to a congressional office in response to an inquiry from that office made at the request of the subject individual.

6. A record may be disclosed for a research purpose, when the Department: (a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use of disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

7. Information regarding the commission of crimes or the reporting of occurrences of communicable diseases, child abuse, births, deaths, alcohol or drug abuse, etc. may be disclosed by health providers and facilities to State and local agencies as required by State and local law.

8. Disclosure of the contents of records of individuals indicating alcohol or drug abuse which pertain to patient identity or the diagnosis, prognosis or treatment of alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations 42 CFR, Part 2, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended by Pub. L. 93-282.

9. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any

employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders, ledgers, card files, microfiche, microfilm, computer cards and tapes, and automatic or open shelf files, automated tapes and disc files.

RETRIEVABILITY:

Indexed by name, record number, and Social Security Number (SSN) and cross-indexed. SSN is supplied on a voluntary basis.

SAFEGUARDS:

All personnel including IHS personnel, IHS contractors and sub-contractors who are involved with this system are made aware of their responsibilities under the provisions of the Privacy Act and are required to maintain Privacy Act safeguards with respect to such records. Access is limited to authorized personnel in the performance of their duties. (Authorized personnel include medical records personnel, health care providers, management personnel, authorized contractors, researchers, medical audit personnel and health care team members.) A list of personnel or categories of personnel having a demonstrable need for the records in the performance of their duties have been developed and are maintained. Procedures have been developed and implemented to review one-time requests for disclosure by personnel who may not be on the routine disclosure list. Records are not removed from the area in which they are maintained in the absence of proper charge-out procedures. Record storage areas, including file cabinets in offices, are not left unattended during office hours, including lunch hours. Persons who have a need to know are entrusted with records from this system of records and are instructed to safeguard the confidentiality of these records and to

return such records when the need to know has expired. Instructions include the statutory penalties for noncompliance. Before an employee who will control disclosure of records can work with the records (i.e., employees who report to the system manager) the system manager or designee ensures that the employee has received training in the safeguards applicable to the records and is aware of the actions to take to restrict disclosure. Sensitive records are kept in locked metal filing cabinets or in a secured room at all times when not actually in use during working hours and at all times during nonworking hours. All other personally identifiable records are kept in closed containers (e.g., filing cabinets) at all times when not in actual use during working hours and at all times during nonworking hours. When copying records for authorized purposes, care is taken to ensure that any imperfect pages are not left in the reproduction room where they can be read, but are destroyed or obliterated. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS. hf:45-13 of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6, "ADP Systems Security." In this regard magnetic tapes, discs, other computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. A password is required to access the terminal and a data set name controls the release of data to only authorized users.

RETENTION AND DISPOSAL:

Active records are maintained in the facility providing health services. For selected IHS health stations the record is stored in the facility to which the health station is administratively assigned. (See Appendix 1 for the mailing addresses of IHS facilities at which records in this system are stored and the mailing addresses for the system managers for this system.) Basic source statistical documents are maintained in Area and Program Offices permanently. Inactive records at the facility are held from three to seven years and then are transferred to the appropriate Federal Records Center. (See Appendix 2 for Federal Record Centers). Records are retained at the Federal Records Centers 50 years for active duty uniformed services personnel; 25 years for all others. How destroyed: According to Federal Record Center practices.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix 1. The Area/Program Office Directors and Service Unit Directors listed in Appendix 1 are System Managers. Other addresses listed in Appendix 1 are IHS facilities at which records are stored.

NOTIFICATION PROCEDURE:

Requests must be made to the appropriate System Manager (Area/Program Office Director or Service Unit Director) listed in Appendix 1. An individual who requests notification of, or access to, a medical record shall at the time the request is made designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

Requests in person:

A subject individual who appears in person at a specific location seeking access or disclosure of medical/dental records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as driver's license, passport, voter registration card, or union card. Identification papers with current photographs are preferred but not required. If a subject individual has no identification but is personally known to an agency employee, such employee shall make a written record verifying the subject individual's identity. Where the subject individual has no identification papers, the responsible agency official shall require that the subject individual certify in writing that he/she is the individual whom he/she claims to be and that he/she understands that the knowing and willful request or acquisition of records concerning an individual under false pretenses is a criminal offense subject to a \$5,000 fine. In some situations additional identification may be requested. Some examples include the request for access to (1) records which contain sensitive information, (2) different records for persons with the same name, and (3) records which contain an apparent discrepancy between information contained in the record and that provided by the individual requesting access to the record. No verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

Other names used:

Where an individual is seeking to obtain information about himself/herself which may be retrieved by a different name or identifier than his/her current name or identifier, he/she shall be

required to produce evidence to verify that he/she is the person whose record he/she seeks.

Requests by mail:

Requests for information and/or access to records received by mail must contain information providing the identity of the writer and a reasonable description of the record desired.

Written requests must contain the name and address of the requester, his/her date of birth and at least one piece of information which is also contained in the subject record, and his/her signature for comparison purposes. Where the written request does not contain sufficient information, the Systems Manager shall inform the requester in writing that additional, specified information is required to process the request.

Requests by telephone:

Since positive identification of the caller cannot be established, telephone requests are not honored.

Parents and legal guardians:

Parents of minor children and legal guardians of legally incompetent individuals shall verify their own identification in the manner described above, as well as their relationship to the individual whose record is sought. A copy of the child's birth certificate or court order shall be presented. Minors or individuals who have been declared to be legally incompetent may have their rights under the Privacy Act invested in their parents or legal guardians.

Individuals acting in loco parentis to minors, parents, legal guardians, and custodians may act on behalf of the individual for purposes of giving consent for disclosure and being informed of the purposes for which records are maintained. This provision is discretionary, and individuals who are minors are authorized to exercise the rights given to them by the Privacy Act. The disclosure to parents, guardians, or individuals in loco parentis will be balanced with programs (i.e., family planning, disease prevention, treatment or containment) which by implication or expressed terms promised confidentiality. Such implied or expressed promises of confidentiality will be honored. State laws with respect to emancipated minors, will also be considered.

Signature:

Where an individual is unable to sign his/her name when required, he/she shall make his/her mark and have the mark verified in writing by two additional persons.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Write to the appropriate Area/Program Office Director or Service Unit Director at the address specified in Appendix 1 and reasonably identify the record, specify the information being contested, and state the corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Patients and/or family members, and health care personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Director, Aberdeen Area Indian Health Service, Federal Building, 115 Fourth Avenue, S.E., Aberdeen, South Dakota 57401, Attn.: Chief, Health Records Branch
 Director, Rapid City Service Unit, Rapid City Indian Hospital, Rapid City, South Dakota 57701
 Director, Cheyenne River Service Unit, Eagle Butte Indian Hospital, Eagle Butte, South Dakota 57625
 Director, Swiftbird Correctional Institution, Indian Health Station, Gettysburg, South Dakota 57442
 Director, Fort Berthold Service Unit, Minnitohe Indian Health Center, New Town, North Dakota 58763
 Director, Fort Totten Service Unit, Fort Totten Indian Health Center, Fort Totten, North Dakota 58335
 Director, Pine Ridge Service Unit, Pine Ridge Indian Hospital, Pine Ridge, South Dakota 57770
 Office in Charge, Wanblee Indian Health Center, Wanblee, South Dakota 57577
 Director, Rosebud Service Unit, Rosebud Indian Hospital, Rosebud, South Dakota 57570
 Director, Sisseton-Wahpeton Service Unit, Sisseton Indian Hospital, Sisseton, South Dakota 57262
 Director, Flandreau Indian School Health Center, Flandreau, South Dakota 57028
 Director, Wahpeton Indian School Health Center, Wahpeton, North Dakota 58075
 Director, Standing Rock Service Unit, Fort Yates Indian Hospital, Fort Yates, North Dakota 58538
 Director, McLaughlin Indian Health Center, McLaughlin, South Dakota 57642
 Director, Turtle Mountain Service Unit, Belcourt Indian Hospital, Belcourt, North Dakota 58316
 Director, Omaha-Winnebago Service Unit, Winnebago Indian Hospital, Winnebago, Nebraska 68071
 Director, Yankton-Wagner Service Unit, Wagner Indian Hospital, Wagner, South Dakota 57380
 Director, Santee Indian School Health Station, Niobrara, Nebraska 68760
 Director, Bemidji Program Office, Indian Health Service, 203 Federal Building, Bemidji, Minnesota 56601, Attn.: Program Office Privacy Act Coordinator
 Director, Kincheloe Indian Health Center, Kinross, Minnesota 49788

Director, Greater Leech Lake Service Unit, Cass Lake Indian Hospital, Cass Lake, Minnesota 56633
 Director, Lac Courte Oreille Service Unit, Indian Health Service, P.O. Box 733, Hayward, Wisconsin 54843
 Director, Reserve Indian Health Station, c/o Director, Lac Courte Oreille Service Unit, Indian Health Service, P.O. Box 733, Hayward, Wisconsin 54843
 Director, Odenah Indian Health Station, Odenah, Wisconsin 54861
 Director, Nett Lake Indian Health Station, Nett Lake, Minnesota 55772
 Director, Red Lake Service Unit, Red Lake Indian Hospital, Red Lake, Minnesota 56671
 Director, Ponemah Indian Health Station, Ponemah, Minnesota 56666
 Director, White Earth Service Unit, White Earth Indian Health Center, White Earth, Minnesota 56591
 Director, Naytahwaush Indian School Health Station, Naytahwaush, Minnesota 56566
 Director, Ponsford Indian School Health Station, Ponsford, Minnesota 56575
 Director, Alaska Area Native Health Service, P.O. Box 7-741, Anchorage, Alaska 99510, Attn.: Chief, Health Records Branch
 Director, Anchorage Service Unit, PHIS
 Alaska Native Medical Center, P.O. Box 7-741, Anchorage, Alaska 99510
 Director, Alaska Native Health Center, St. George Island, Alaska 99660
 Director, Alaska Native Health Center, St. Paul Island, Alaska 99660
 Director, Barrow Service Unit, Barrow Alaska Native Hospital, Barrow, Alaska 99723
 Director, Bristol Bay Area Service Unit, Bristol Bay Area Alaska Native Hospital, Dillingham, Alaska 99576
 Director, Interior Alaska Service Unit, Alaska Native Health Center, 1638 Cowles Street, Fairbanks, Alaska 99701
 Director, Tanana Alaska Native Hospital, Tanana, Alaska 99777
 Director, Fort Yukon Alaska Native Health Center, Fort Yukon, Alaska 99740
 Director, Kotzebue Service Unit, Kotzebue Alaska Native Hospital, Kotzebue, Alaska 99752
 Director, Mt. Edgecumbe Service Unit, Mt. Edgecumbe Alaska Native Hospital, P.O. Box 4577, Sitka, Alaska 99835
 Director, Juneau Alaska Native Health Center, Box 890, Juneau, Alaska 99802
 Director, Ketchikan Alaska Native Health Center, 3289 Tongass Avenue, Ketchikan, Alaska 99901
 Physician's Assistant, Metlakatla Alaska Native Health Center, Box 119, Metlakatla, Alaska 99926
 Director, Yukon-Kuskokwim-Delta Service Unit, Yukon-Kuskokwim-Delta Regional Hospital, Indian Health Service, Bethel, Alaska 99559
 Director, Albuquerque Area Indian Health Service, Room 4005, Federal Office Building, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87101, Attn.: Chief, Health Records Branch
 Director, Albuquerque Service Unit, Albuquerque Indian Hospital, 801 Vassar Drive, N.E., Albuquerque, New Mexico 87106

- Director, Isleta Indian Health Center, c/o Albuquerque Indian Hospital, Field Health, 801 Vassar Drive, N.E., Albuquerque, New Mexico 87106
- Director, Jemez Indian Health Center, c/o Albuquerque Indian Hospital, Field Health, 801 Vassar Drive, N.E., Albuquerque, New Mexico 87106
- Chief, Dental Program, IHS Dental Training Center, Southwestern Indian Polytechnical Inst., 9168 Coors Road, N.W., P.O. Box 25927, Albuquerque, New Mexico 87125
- Director, Indian School Health Center, Southwestern Indian Polytechnical Inst., 9168 Coors Road, N.W., P.O. Box 25927, Albuquerque, New Mexico 87125
- Director, Alamo Indian Health Station, Alamo, New Mexico 87825
- Director, Albuquerque Indian School Health Station, 1000 Manual S.W., Albuquerque, New Mexico 87107
- Director, Magdalena Indian Health Station, Magdalena, New Mexico 87825
- Director, Sandia Indian Health Station, Sandia New Mexico 87047
- Director, Santa Ana Indian Health Station, P.O. Box 580, Bernalillo, New Mexico 87004
- Director, Zia Indian Health Station, General Delivery, San Ysidro, New Mexico 87053
- Director, Mescalero Service Unit, Mescalero Indian Hospital, P.O. Box 210, Mescalero, New Mexico 88340
- Director, Santa Fe Service Unit, Santa Fe Indian Hospital, Cerrillos Road, Santa Fe, New Mexico 87501
- Director, Dulce Indian Health Center, Dulce, New Mexico 87528
- Director, Ignacio Indian Health Center, Ignacio, Colorado 81137
- Director, Taos Indian Health Center, Taos, New Mexico 87571
- Director, Towaoc Indian Health Center, Towaoc, Colorado 81334
- Director, Santa Clara Indian Health Station, P.O. Box 477, Espanola, New Mexico 87532
- Director, Santo Domingo Indian Health Station, Santo Domingo, New Mexico 87052
- Director, San Juan Indian Health Station, San Juan, New Mexico 87566
- Director, Cochiti Indian Health Station, Cochiti, New Mexico 87041
- Director, San Felipe Indian Health Station, General Delivery, San Felipe Pueblo, New Mexico 87001
- Director, White Mesa Indian Health Station, General Delivery, Towaoc, Colorado 81334
- Director, Zuni-Ramah Service Unit, Zuni Indian Hospital, Zuni, New Mexico 87327
- Director, Zuni Indian Health Station, Zuni, New Mexico 87327
- Director, Acoma-Canoncito-Laguna Service Unit, Acoma-Canoncito-Laguna Indian Hospital, P.O. Box 130, San Fidel, New Mexico 87049
- Director, Laguna Indian Health Center, P.O. Box 199, New Laguna, New Mexico 87038
- Director, Canoncito Indian Health Center, c/o Acoma-Canoncito-Laguna Indian Hospital, P.O. Box 130, San Fidel, New Mexico 87049
- Director, Billings Area Indian Health Service, P.O. Box 2143, Billings, Montana 59103, Attn.: Program Planning and Statistics Office
- Director, PHS Indian School Health Center, P.O. Box 802, Brigham City, Utah 84302
- Director, Blackfeet Service Unit, Browning Indian Hospital, Browning, Montana 59417
- Director, Heart Butte Indian Health Station, Heart Butte, Montana 59448
- Director, Crow Service Unit, Crow Indian Hospital, Crow Agency, Montana 59022
- Director, Pryor Indian Health Station, Pryor, Montana 59066
- Director, Flathead Service Unit, St. Ignatius Indian Health Center, St. Ignatius, Montana 59865
- Director, Polson Indian Health Center, 320-B, 4th Avenue East, Polson, Montana 59860
- Director, Fort Belknap Service Unit, Harlem Indian Hospital, Harlem, Montana 59526
- Director, Hays Indian Health Station, Hays, Montana 59527
- Director, Fort Peck Service Unit, Poplar Indian Health Center, Poplar, Montana 59255
- Director, Wolf Point Indian Health Center, Wolf Point, Montana 59201
- Director, Wind River Service Unit, Fort Washakie Indian Health Center, Fort Washakie, Wyoming 82514
- Director, Arapahoe Indian Health Center, Arapahoe, Wyoming 82510
- Director, Northern Cheyenne Service Unit, Lame Deer Indian Health Center, Lame Deer, Montana 59043
- Director, Rocky Boy's Service Unit, Rocky Boy's Indian Health Center, Box Elder, Montana 59521
- Director, Navajo Area Indian Health Service, P.O. Box G, Window Rock, Arizona 86515, Attn.: Chief, Health Records Branch
- Director, Chinle Service Unit, Chinle Indian Health Center, P.O. Box P.H., Chinle, Arizona 86503
- Director, Many Farms Indian Health Center, c/o Chinle Indian Health Center, Chinle, Arizona 86503
- Director, Crownpoint Service Unit, Crownpoint Indian Hospital, Crownpoint, New Mexico 87313
- Director, Fort Defiance Service Unit, Fort Defiance Indian Hospital, Fort Defiance, Arizona 86504
- Medical Officer in Charge, Toyel Clinic, Indian Health Center, Fort Defiance, Arizona 86504
- Director, Lower Greasewood Indian Health Center, Lower Greasewood, Arizona 86505
- Director, Navajo Indian Health Center, c/o Fort Defiance Indian Hospital, Community Health Services, Fort Defiance, Arizona 86504
- Director, Gallup Service Unit, Gallup Indian Medical Center, Gallup, New Mexico 87301
- Medical Officer in Charge, Tobatchi Indian Health Center, Gallup, New Mexico 87301
- Director, Fort Wingate Indian Health Center, Fort Wingate, New Mexico 87316
- Medical Officer in Charge, Fort Wingate Indian School Health Center, Fort Wingate, New Mexico 87316
- Director, Kayenta Service Unit, Kayenta Indian Health Center, Kayenta, Arizona 86033
- Director, Shonto Indian Health Center, Shonto, Arizona 86044
- Director, Shiprock Service Unit, Shiprock Indian Hospital, Shiprock, New Mexico 87420
- Director, Tes Nos Pos Indian Health Center, P.O. Drawer D, Tes Nos Pos, Arizona 86514
- Director, Shiprock Indian Maternal and Child Health Center, c/o Shiprock Indian Hospital, Field Health, Shiprock, New Mexico 87420
- Director, Sanostee Indian School Health Center, c/o Shiprock Indian Hospital, Field Health, Shiprock, New Mexico 87420
- Director, Todalena Indian Boarding School Health Station, c/o Shiprock Indian Hospital, Field Health, Shiprock, New Mexico 87420
- Director, Tuba City Service Unit, Tuba City Indian Hospital, Tuba City, Arizona 86045
- Director, Tuba City Indian School Health Center, c/o Tuba City Indian Hospital, Tuba City, Arizona 86045
- Medical Officer in Charge, Holbrook Indian School Health Center, Holbrook Boarding School, Holbrook, Arizona 86025
- Director, Winslow Service Unit, Winslow Indian Health Center, Winslow, Arizona 86047
- Director, Dilkon Indian Health Center, Star Route, Winslow, Arizona 86045
- Director, Leupp Indian Health Center, c/o Winslow Indian Health Center, Community Health Services, Winslow, Arizona 86047
- Director, Leupp Indian School Health Center, c/o Winslow Indian Health Center, Community Health Services, Winslow, Arizona 86047
- Director, Oklahoma City Area Indian Health Service, 215 Dean A. McGee Street, N.W., Oklahoma City, Oklahoma 73102-3477, Attn.: Chief, Records Librarian Consultant
- Director, Ada Service Unit, Ada Indian Hospital, 1001 North Country Club Drive, Box 1564, Ada, Oklahoma 74820
- Director, Tishomingo Indian Health Center, Tishomingo, Oklahoma 73460
- Director, Claremore Service Unit, Claremore Indian Hospital, Claremore, Oklahoma 74017
- Director, Seneca Indian Health Station, Wyandotte, Oklahoma 74370
- Director, Delaware District (Jay) Indian Health Center, Jay, Oklahoma 74346
- Director, Okemah Indian Health Center, Okemah, Oklahoma 74859
- Director, Okmulgee Indian Health Center, P.O. Box 1015, Okmulgee, Oklahoma 74447
- Director, Miami Indian Health Center, P.O. Box 1498, Miami, Oklahoma 74354
- Director, Locust Grove Indian Health Station, Locust Grove, Oklahoma 74352
- Director, Sapulpa Indian Health Station, Sapulpa, Oklahoma 74066
- Director, Seneca Indian School Health Station, Wyandotte, Oklahoma 74370
- Director, Clinton Service Unit, Clinton Indian Hospital, Clinton, Oklahoma 73601
- Director, Watonga Indian Health Center, Watonga, Oklahoma 73772
- Director, Concho Indian School Health Center, Concho, Oklahoma 73022
- Director, Kansas Service Unit, Holton Indian Health Center, Holton, Kansas 66436
- Facility Director, Lawrence (Haskell) Indian School Health Center, Lawrence, Kansas 66044
- Director, White Cloud Indian Health Station, White Cloud, Oklahoma 66094
- Director, Lawton Service Unit, Lawton Indian Hospital, Lawton, Oklahoma 73501
- Director, Anadarko Indian Health Center, Anadarko, Oklahoma 73005

- Director, Riverside Indian School Health Center, Anadarko, Oklahoma 73005
- Director, Carnegie Indian Health Station, Carnegie, Oklahoma 73015
- Director, Pawnee Service Unit, Pawnee Indian Hospital, Pawnee, Oklahoma 74058
- Director, Pawhuska Indian Health Center, Pawhuska, Oklahoma 74056
- Director, White Eagle Indian Health Center, Route 4, Ponca City, Oklahoma 74601
- Director, Chilocco Indian School Health Station, Chilocco, Oklahoma 74635
- Director, Shawnee Service Unit, Shawnee Indian Health Center, Shawnee, Oklahoma 74801
- Director, Tahlequah Service Unit, W. W. Hastings Indian Hospital, 1120 Grand, Tahlequah, Oklahoma 74464
- Director, Eufaula Indian Health Center, Locust Street, Eufaula, Oklahoma 74432
- Director, D. K. Martin Indian Health Station, Stillwell, Oklahoma 74960
- Director, UPSHS Indian School Health Station, Sequoyah Institute, Tahlequah, Oklahoma 74464
- Director, Sallisaw Indian Health Station, Sallisaw, Oklahoma 74955
- Director, Talihina Service Unit, Talihina Indian Hospital, Talihina, Oklahoma 74571
- Director, John Anderson Memorial Health Center, USPHS Indian Health Center, Broken Bow, Oklahoma 74728
- Director, Hugo Indian Health Center, 109 E. Main, Hugo, Oklahoma 74743
- Director, McAlester Indian Health Center, McAlester, Oklahoma 74501
- Director, Jones Academy Indian Health Station, Heartshorne, Oklahoma 74547
- Director, Phoenix Area Indian Health Service, 3738 N. 16th Street, Suite A, Phoenix, Arizona 85016-5981, Attn: Chief, Health Records Branch
- Director, Colorado River Service Unit, Parker Indian Hospital, Route 1, P.O. Box 12, Parker, Arizona 85344
- Director, Peach Springs Indian Health Center, Peach Springs, Arizona 86434
- Director, Riverside Indian School Health Center, 8934 Magnolia, Riverside, California 92503
- Director, Havasupai Indian School Health Station, Supi, Arizona 86435
- Director, Fort Yuma Service Unit, Winterhaven Indian Hospital, P.O. Box 1368, Yuma, Arizona 85364
- Director, Keams Canyon Service Unit, Keams Canyon Indian Hospital, P.O. Box 98, Keams Canyon, Arizona 86034
- Director, Second Mesa Indian Health Center, General Delivery, Second Mesa, Arizona 86043
- Director, Kaibab Indian Dental Clinic, Fredonia, Arizona 86022
- Director, Owyhee Service Unit, Owyhee Indian Hospital, P.O. Box 212, Owyhee, Nevada 89832
- Director, Goshute Indian Health Clinic, c/o Director Owyhee Service Unit, Owyhee Indian Hospital, P.O. Box 212, Owyhee, Nevada 89832
- Director, Phoenix Service Unit, Phoenix Indian Medical Center, 4212 North 16th St., Phoenix, Arizona 85016
- Director, Salt River Indian Health Center, Route 1, Box 115, Scottsdale, Arizona 85257
- Director, Gila Crossing Indian Health Clinic, Route 1, Box 770, Laveen, Arizona 85339
- Director, Phoenix Indian School Health Center, c/o Phoenix Indian Medical Center, 4212 North 16th St., Phoenix, Arizona 85016
- Director, Sacaton Service Unit, Sacaton Indian Hospital, Sacaton, Arizona 85247
- Director, San Carlos Service Unit, San Carlos Indian Hospital, San Carlos, Arizona 85550
- Director, Bylass Indian Health Clinic, Bylass, Arizona 85530
- Director, Schurz Service Unit, Schurz Indian Hospital, Schurz, Nevada 89427
- Director, Stewart Indian School Health Center, Stewart, Nevada 89437
- Director, Uintah and Ouray Service Unit, Fort Duchesne Indian Health Center, P.O. Box 967, Roosevelt, Utah 84066
- Director, Fort Duchesne Indian Dental Clinic, Roosevelt, Utah 84066
- Director, Whiteriver Service Unit, Whiteriver Indian Hospital, Whiteriver, Arizona 85941
- Director, Cibecue Indian Health Center, Cibecue, Arizona 85911
- Director, Portland Area Indian Health Service, Room 476, Federal Building, 1220 Southwest Third Avenue, Portland, Oregon 97204, Attn: Chief, Health Records Branch
- Director, Chemawa Indian School Health Center, 3750 Hazelgreen Road, N.E., Salem, Oregon 97303
- Director, Colville Service Unit, Colville Indian Health Center, Nespelem, Washington 99155
- Director, Inchelium Indian Health Center, Inchelium, Washington 99138
- Director, Fort Hall Service Unit, Fort Hall Indian Health Center, P.O. Box 317, Fort Hall, Idaho 83203
- Director, Blackfoot Indian Health Station, Blackfoot, Idaho 83221
- Director, Northern Idaho Service Unit, Northern Idaho Indian Health Center, P.O. Drawer 367, Lapwai, Idaho 83540
- Director, Kamiah Indian Health Station, Kamiah, Idaho 83536
- Director, Coeur d'Alene Indian Health Station, Coeur d'Alene, Idaho 83814
- Director, Warm Springs Service Unit, Warm Springs Indian Health Center, Warm Springs, Oregon 97761
- Director, Puget Sound Service Unit, Kitsap Indian Health Center, 1212 South Judkins, Seattle, Washington 98144
- Director, Muckleshoot Indian Dental Clinic, 14812 S.E. 368th Place, Auburn, Washington 98002
- Director, Port Gamble Indian Health Station, Port Gamble, Washington 98364
- Director, Yakima Service Unit, Yakima Indian Health Center, Route 1, Box 1104, Toppenish, Washington 98948
- Director, White Swan Indian Health Station, White Swan, Washington 98952
- Director, Umatilla Service Unit, Yellowhawk Indian Health Center, P.O. Box 159, Pendleton, Oregon 97801
- Director, Taholah Service Unit, Taholah Indian Health Center, P.O. Box 219, Taholah, Washington 98587
- Director, Queets Indian Health Station, c/o Service Unit Director, Taholah Indian Health Center, P.O. Box 1148, Taholah, Washington 98587
- Director, Oakville Indian Health Station, Oakville, Washington 98568
- Director, Neah Bay Service Unit, Neah Bay Indian Health Center, P.O. Box 418, Neah Bay, Washington 98357
- Director, La Push Indian Health Station, La Push, Washington 98350
- Director, Lower Elwha Indian Health Station, Port Angeles, Washington 98362
- Director, Northwest Washington Service Unit, Lummi Indian Health Center, 2592 Kwina Road, Bellingham, Washington 98225
- Swinomish Indian Dental Program, P.O. Box 64, La Conner, Washington 98257
- Director, Burlington Indian Health Station, Burlington, Washington 98233
- Director, Deming Indian Health Station, Deming, Washington 98244
- Director, Wellpinit Service Unit, Wellpinit Indian Health Center, P.O. Box 391, Wellpinit, Washington 99040
- Director, Kalispel Indian Health Station, c/o Wellpinit Service Unit Director, Wellpinit Indian Health Center, P.O. Box 391, Wellpinit, Washington 99040
- Director, Tucson Program Office, Indian Health Service, P.O. Box 11340, Tucson, Arizona 85734, Attn: Privacy Act Coordinator
- Director, Sells Service Unit, Sells Indian Hospital, Sells, Arizona 85634
- Director, Santa Rosa Indian Health Center, Star Route, Box 71, Sells, Arizona 85634
- Director, San Xavier Indian Health Center, Tucson, Arizona 85734
- Program Office Director, United Southeastern Tribes, Indian Health Service, Oak Towers Building, 1101 Kermit Drive, Nashville, Tennessee 37217, Attn: Privacy Act Coordinator
- Director, Cherokee Service Unit, Cherokee Indian Hospital, Cherokee, North Carolina 28719
- Director, Choctaw Service Unit, Choctaw Indian Hospital, Route 7, Box 50-R, Philadelphia, Mississippi 39350
- Program Office Director, California Program Office, Indian Health Service, 2900 Cottage Way, E-1831, Sacramento, California 95825, Attn: Privacy Act Coordinator

Appendix 2—Federal Archives and Records Centers

District of Columbia, Maryland, Except U.S. Court Records for Maryland

Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20233

GSA Region 1—Maine

Federal Archives and Records Center, 380 Trapelo Road, Waltham, MA 02154

GSA Region 2—New York

Federal Archives and Records Center, Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002

GSA Region 3—Pennsylvania

Federal Records Center, Defense Activities, Bldg. 308, Mechanicsburg, PA 17055

GSA Region 4—Mississippi and Florida

Federal Archives and Records Center, 1557 St. Joseph Avenue, East Point, GA 30344

GSA Region 5—Wisconsin, Minnesota and U.S. Court Records for Michigan

Federal Archives and Records Center, 7358 South Pulaski Rd., Chicago, IL 60629

GSA Region 5—Michigan, Except U.S. Court Records

Federal Records Center, 3150 Bertwynn Drive, Dayton, OH 45439

GSA Region 6—Kansas, Iowa and Nebraska

Federal Archives and Records Center, 2306 East Bannister Rd., Kansas City, MO 64131

GSA Region 7—Oklahoma, Louisiana and New Mexico

Federal Archives and Records Center, P.O. Box 6216, Ft. Worth, TX 76115

GSA Region 8—Colorado, Wyoming, Utah, Montana, North Dakota and South Dakota

Federal Archives and Records Center, Bldg. 48, Denver Federal Center, P.O. Box 25307, Denver, CO 80225

GSA Region 9—California, Except Southern California, and Nevada, Except Clark County

Federal Archives and Records Center, 1000 Commodore Drive, San Bruno, CA 94066

GSA Region 9—Arizona: Clark County, Nevada, and Southern California (Counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, Imperial, Inyo, and San Diego)

Federal Archives and Records Center, 24000 Avila Road, Laguna Niguel, CA 92677

GSA Region 10—Washington, Oregon, Idaho and Alaska

Federal Archives and Records Center, 6125 Sand Point Way, Seattle, WA 98115

09-15-0022

SYSTEM NAME:

Accounts Receivable, HHS/HSA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1. Chief, Debt Management Branch, Division of Fiscal Services, Health Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857.
2. Director, National Hansen's Disease Center, Carville, Louisiana 70721.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients, PHS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Billing to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 321 (42 U.S.C. 248).

PURPOSE(S):

To bill and collect funds due the Federal Government. Records may be used by the HHS Audit Agency and HHS claims office for audit purposes.

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

Information may be provided to any Government agency which had requested or arranged for treatment or care of an individual by the Bureau of Medical Services.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

File Folders.

RETRIEVABILITY:

Retrievable by name.

SAFEGUARDS:

1. Authorized Users: Billing clerks, cashiers, and HSA and BMS financial management personnel.
2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file cabinets and locked storage areas.
3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; and HHS Ch 45-13 and Ch PHS.hf:45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA—Until audited. How destroyed: Incinerator.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Debt Management Branch, Division of Fiscal Services, Health

Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

Director, National Hansen's Disease Center, Carville, Louisiana 70721.

NOTIFICATION PROCEDURE:

Contact the Division of Fiscal Services, HSA, for records from the former PHS hospitals and clinics. For records pertaining to care at the National Hansen's Disease Center, contact the Chief, Financial Management Branch, National Hansen's Disease Center, Carville, Louisiana 70721. Individuals must provide positive identification, such as driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identity.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURE:

Write to appropriate Financial Management Offices as listed in the Notification Procedure and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

From individual medical record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0026

SYSTEM NAME:

Medical Fellowships and Educational Loans, HHS/HSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

DHHS/HSA/OA/OFS, Rm. 16-23, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, and Regional Federal Records Center.

Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private Citizens (Loan Applicants).

CATEGORIES OF RECORDS IN THE SYSTEM:

Fellowship, Grants and Loan Applications. Promissory note signed by the individual receiving the loan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301 (42 U.S.C. 241).

PURPOSE(S):

To support the HSA's accounting system of obligations and payments.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

File folders.

RETRIEVABILITY:

Retrievable by name.

SAFEGUARDS:

1. Authorized Users: Accounting clerks, accountants and auditors that are performing the accounting function for this program.

2. Physical Safeguards: Files are kept in locked metal filing cabinets during lunch hours and nonworking hours. Twenty-four-hour, 7-day security guards perform random checks on the physical security of the data. Files are stored in areas where fire and life safety codes are strictly enforced.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from the public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the Privacy Act and the following guidelines.

Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS. hf:45-13 of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6, "ADP Systems Security."

RETENTION AND DISPOSAL:

Number of years held at HSA: 2 yrs. 1 yr. warehouse. Number of years held at Federal Records Center before disposal: 7 yrs. How destroyed: in accordance with items 4.b and 4.c of Schedule 3, OSA General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

HSA-OA (HQ) Chief, Accounting and Finance Branch, 5600 Fishers Lane, Parklawn Bldg., Rm. 16-22, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Requests must be made to the appropriate System Manager.

Requests in person: A subject individual who appears in person at a specific location seeking access or disclosure of records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as driver's license, passport, voter registration card, or union card. Identification papers with current photographs are preferred but not required. If a subject individual has no identification but is personally known to an agency employee, such employee shall make a written record verifying the subject individual's identity. Where the subject individual has no identification papers, the responsible agency official shall require that the subject individual certify in writing that he/she is the individual whom he/she claims to be and that he/she understands that the knowing and willful request or acquisition of records concerning an individual under false pretenses is a criminal offense subject to a \$5,000 fine. In some situations additional identification may be requested. Some examples include the request for access to (1) records which contain sensitive information, (2) different records for persons with the same name, and (3) records which contain an apparent discrepancy between information contained in the records and that provided by the individual requesting access to the record. No verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

Requests by mail: Requests for information and/or access to records received by mail must contain information providing the identity of the writer and a reasonable description of

the record desired. Written requests must contain the name and address of the requestor, his/her date of birth and at least one piece of information which is also contained in the subject record, and his/her signature for comparison purposes.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

Signature: Where an individual is unable to sign his/her name when required, he/she shall make his/her mark and have the mark verified in writing by two additional persons.

RECORD ACCESS PROCEDURES:

Write to System Manager. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the System Manager and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual applicants for loans supply the information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0027

SYSTEM NAME:

National Health Service Corps (NHSC) and Indian Health Services (IHS) Pre-Applicant Recruitment and Provider File. HHS/HSA/BHPDS

SECURITY CLASSIFICATION

None.

SYSTEM LOCATION:

National Health Service Corps, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NHSC volunteer or scholarship applicants who wish to be assigned to health manpower shortage areas and individuals who indicate an interest in an assignment at an Indian Health Service location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment data, private practice data, preference for site-selection, personal and professional background information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 333 (42 U.S.C. 254f); Public Health Service Act, Sec. 338C (42 U.S.C. 294V); Public Law 33-658 (42 U.S.C. 2001).

PURPOSE(S)

Matching applicant for assignment to health manpower shortage areas and Indian Health Service locations most suited to their interest. Users: Used by Regional Offices, IHS Area Offices and Service Units to prenegotiate assignments. Used PHS-wide for recruitment programs.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the systems of records may be referred, as a routine use, to the Department of Justice, General Accounting Office, and to any Federal or State agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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

Manual files, computer tape and disc, punched cards.

RETRIEVABILITY:

Applicant name and number.

SAFEGUARDS:

1. Authorized users: System manager, Director and staff of the Office of Data Management; and the Chief and staff of the Recruitment and Placement Branch, NHSC.
2. Physical Safeguards: Locked area and file cabinets. ADP remote stations and files are locked during non-standard working hours, with periodic checks made by building security force. Individual files are in locked cabinets inside a secured area.
3. Procedural Safeguards: Codes by which automatic files may be accessed are changed periodically. This procedure also includes deletion of access codes when employees leave. New employees are briefed and the guard office is notified of all staff members authorized to be in secured area during non-standard working hours. This list is revised as employees are gained or lost. Backup files are maintained in an off-site facility with fire extinguishers and controlled entrances and exits. These safeguards are in compliance with Implementation Guidelines: DHHS Chapter 45-13, and supplementary Chapter PHS.hf:45-13 of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6, "ADP Systems Security".

RETENTION AND DISPOSAL:

Maintained for three years; the historical tapes are sent to a Federal records center and the initial record is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Health Service Corps, BHPDS/HSA, Parklawn Building, Room 6-40, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager. The System Manager will then refer the requester to the appropriate Regional Office. Only Regional Offices disperse such records. The Regional Health Administrator will request individuals to provide positive identification, such as a driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identity. Requesters should

reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Write to System Manager.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Letters of inquiry, NHSC Site Selection Questionnaire; NHSC Private Practice Option Agreements; and Bureau of Health Professionals Development and Service scholarship source tape.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0028

SYSTEM NAME:

PHS Clinical Affiliation Trainee Records. HHS/HSA/BMS.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

National Hansen's Disease Center, Carville, Louisiana 70721

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students in PHS training programs or serving clinical affiliation in National Hansen's Disease Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Transcripts of past education application for training, training program staff and clinical supervisor evaluations and progress reports, course grades and evidence of completion of training requirements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sections 320, 321, 327A, (42 U.S.C. 248, 255, 254a).

PURPOSE(S):

To provide communication between educational and supervisory staff for evaluation of trainees.

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

Disclosure may be made:

To Educational Program staff of affiliated college/university to provide

reports of student trainee's progress in training;

To representatives of medical/allied health training program accreditation of PHS Training Programs;

To prospective employers for professional reference;

To professional boards or associations to certify the students' progress in or completion of training as required for professional license, registration certification, etc.

To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File Folders.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

1. Authorized Users: Director of Education at the National Hansen's Disease Center, work and staff supervisors and administrative personnel.

2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file cabinets and locked storage areas.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the BMS Privacy Act Implementation Guidelines; and HHS Ch 45-13 and Ch PHS.hf:45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Number of years held at HSA: 10 years, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Services, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

The individual should contact the National Hansen's Disease Center and provide name, date of birth and approximate dates of training to allow positive identification of the record.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the PHS facility mentioned at the address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, clinical supervisors, instructors, training program staff and administrative personnel of facility and affiliated college/university.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0029

SYSTEM NAME:

PHS Beneficiary-Contract Medical/Health Care Records. HHS/HSA/BMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1. Director, Bureau of Medical Services, 5600 Fishers Lane, Rockville, MD 20857

2. U.S. Public Health Service Health Data Center, 10000 Aerospace Road, Lanham, MD 20706

3. See Appendix for hospital and clinic locations.

4. See Appendix 2 of Patient Medical Records System PHS Hospital/Clinics, 09-15-0007, for location of Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are or were legally entitled to health care by the Public Health Service and who have received health care from health professionals or facilities under contract or agreement to the Public Health Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

May include any or all of the following: medical history, diagnostic (laboratory/X-ray, etc.) and treatment data, sociologic information, eligibility data including employment history, master's certificate, uniformed services information (employing services, service numbers, duty station, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PHS Act, Sections 320, 321, 326, (42 U.S.C. 248, 253, 255) Pub. L. 88-71, Section 1 (42 U.S.C. 253a).

PURPOSE(S):

To serve as a basis for planning patient care and for continuity in the evaluation of the patient's condition and treatment; to furnish documentary evidence of the course of the patient's medical evaluation and treatment to document communications between the responsible practitioner and any other health professionals contributing to the patient's care and treatment; to verify patient eligibility; and to ensure quality assurance, and to monitor contract compliance.

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

Disclosure may be made:

To a non-agency physician, medical facility or laboratory for continued care of the patient;

To Department of Transportation and Department of Commerce to report results of examination and/or treatment of that agency's personnel;

To the Veterans Administration to assist uniformed services personnel, retirees and veterans to obtain medical care or benefits;

To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter;

To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual;

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the

Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records are collected.

Information regarding the commission of crimes or the reporting of occurrences of communicable diseases, tumors, child abuse, births, deaths, alcohol or drug abuse, etc., may be disclosed as required by health providers and facilities by State Law or regulation of the Department of Health, or other agency of the state or its subdivision in which the facility is located. Disclosures will be made to organizations as specified by the State law or regulation, such as births and deaths to the vital statistics agency and crimes to law enforcement agencies. Disclosure of the contents of records which pertain to patient identity, diagnosis, prognosis or treatment of alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records Regulation 42 CFR Part 2, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended by Pub. L. 93-282.

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

STORAGE:

File folders.

RETRIEVABILITY:

Name, uniformed service number which is the Social Security number, and/or Z number. Those records indexed by SSN are maintained and retrieved in accordance with sec. 7(a)(2)(B) of the Privacy Act.

SAFEGUARDS:

1. Authorized Users: supervisory contracting officials who review the contractor's records annually, doctors, dentists, nurses, allied health professionals and administrative staff in the contractor's office or facility.
2. Physical Safeguards: All documents are protected during lunch hours and nonworking hours in locked file cabinets and locked storage areas.
3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited those staff members

trained in accordance with the BMS Privacy Act Implementation Guidelines; and HHS Ch 45-13; and Ch PHS.hf:45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Retained in the contracting professional's facility files until the contract is terminated. Then turned over to the Bureau of Medical Services for transmittal to a new contracting professional or storage at a Federal Records Center. When stored in a Federal Records Center, records are stored for 50 years, active duty uniformed service personnel, 25 years all others. Destruction at that time is in accordance with standard practices of the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Medical Service, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the facility where care has been obtained. (See listing in Appendix). Individual must provide name, beneficiary category, date of birth, service number/Z number (if applicable) and name and location of source of contract care. Identification such as driver's license, passport, voter's registration card, union card, or a written certification verifying the individual's identity is required. An individual who requests access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. Requesters should also reasonably specify the record content being sought.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORDS PROCEDURES:

Contact the official at the appropriate address specified in the notification procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, employers, other medical care providers, families and social agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix

Director, Bureau of Medical Services, 5600 Fishers Lane, Rockville, MD 20857

President, Wyman Park Health System, 3100 Wyman Park Drive, Baltimore, MD 21211
 President, Brighton Marine Public Health Center, 77 Warren Street, Boston, MA 02135
 Administrator, Hospital of St. John, 2050 Space Park Drive, Nassau Bay, TX 77058
 President, Seattle Public Health Hospital, 1131 14th Avenue South, Seattle, WA 98144
 President, Bayley Seton Hospital, Bay St. and Vanderbilt Ave., Staten Island, NY 10304
 Administrator, Coastal Health Services, 331 Veranda Street, Portland, ME 04103
 Administrator, Lutheran Medical Center, Downtown Health Care Services, New Post Office Bldg., West 3rd Street and Prospect Avenue, Cleveland, OH 44113
 Administrator, St. Mary's Hospital, 404 8th Street, N. Galveston, TX 77550
 Director, St. Joseph Ambulatory Care Center, 1919 La Branch, Houston, TX 77002
 Director, St. Mary's Hospital Family Practice Center of Port Arthur, 3600 Gates Boulevard, Port Arthur, TX 77040

09-15-0036

SYSTEM NAME:

Health Professions Preparatory Scholarship Program for Indians and Health Professions Scholarship Program Record System, HHS/HSA/IHS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Human Resources Management Branch, Indian Health Service, 5600 Fishers Lane, Room 6A-23, Rockville, Maryland 20857
 and
 Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20832

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for and have been approved to receive, persons who are receiving, and persons who have received scholarship grant funds since January 1978 from the Health Professions Preparatory Scholarship Program for Indians and/or Health Professions Scholarship Program. Applicants for financial support awarded under the Health Professions Preparatory Scholarship Program for Indians must be American Indians or Alaskan Natives. Even though there is no racial requirement for the Health Professions Scholarship Program, priority selection is accorded to American Indian and Alaskan Native applicants, as stated in the legislation establishing this program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include grant applications of selected applicants only, and selection and performance records. In addition to

the application forms for each of the two scholarship programs, these records also contain high school and college grade transcripts, evidence of acceptance in a school covered by the program, two faculty letters of recommendation or faculty evaluation forms, documentation of Indian eligibility (BIA Certification or State-Recognized Tribes Certification) for scholarship grant applicants who are claiming priority selection as American Indians or Alaskan Natives, verification from a school official that the course is required to meet an educational deficiency and that the program represents a full course load (for Health Professions Preparatory Scholarship Program), signed contract (for Health Professions Scholarship Program), and a brief written explanation of the applicants' reasons for requesting the scholarship. Progress reports and vouchers of expenditures are included with the records after the scholarships have been awarded.

Information requested on a scholarship grant application form includes: full name of applicant, mailing address, telephone number, place of birth, citizenship, school in which enrolled or accepted for enrollment as a full-time student, dates of attendance, expected date of graduation, length of program in years, tuition and fees charged, future specialty, present and previous residences (city, county, state), work experience, and career goals. In addition, the Social Security Number (SSN) is requested on the scholarship grant application (optional on the application but required prior to the award of a grant). IHS scholarship grant recipients have an active duty service obligation (25 U.S.C. 1613) and are entitled to employment in IHS during any nonacademic period of the year (25 U.S.C. 1614). In anticipation of these obligations and entitlements, the SSN is obtained from IHS scholarship grant recipients at the time of grant award for identification of "permanent" accounts for these individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 of the Indian Health Care Improvement Act, 25 U.S.C. 1613, Health Professions Preparatory Scholarship Program for Indians.

Section 104 of the Indian Health Care Improvement Act, 42 U.S.C. 294y-1, Indian Health Scholarship Program.

Executive Order 9397, dated November 22, 1943, authorizing Federal agencies to collect SSNs from Federal employees for identification of "permanent" accounts.

PURPOSE OF THE SYSTEM:

The purpose of this system of records is to select candidates for the Indian Health Service scholarship program, to monitor the scholarship-related activities of candidates selected, and to evaluate the effectiveness of the program. Scholarship-related activities are defined as enrollment and attendance in IHS-funded courses, the receipt by the student of a monthly stipend and the expenditure of funds by the student for the purchase of supplies (including books), equipment, tuition, fees and other reimbursable and justified expenses authorized by IHS.

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

1. Records may be disclosed to a congressional office in response to an inquiry from that office made at the request of the subject individual.
2. Records may be disclosed to authorized persons employed by the grantee institution (the institution which the recipient of a scholarship grant is attending) as needed for the administration of a scholarship grant award.
3. Records may be disclosed to other Federal agencies that also provide scholarship funding at the request of these Federal agencies in conjunction with a matching program conducted by these Federal agencies to detect or curtail fraud and abuse in Federal scholarship programs, and to collect delinquent loans or benefit payments owed to the Federal Government.
4. Name, tribal affiliation if applicable, and school of scholarship recipients will be published in the **Federal Register** as required by the terms of the legislation establishing the IHS scholarship grant program.

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

STORAGE:

Records are maintained in folders, ledgers, and on electronic word processing diskettes.

RETRIEVABILITY:

Records which identify individual persons are indexed by name or identification number of scholarship grant applicant or recipient.

SAFEGUARDS:

1. Paper records are stored in locked file cabinets. The records storage area is secured during off-duty hours. This area is not left unattended during office hours, including lunch hours. Records are not removed from the area in which

they are maintained in the absence of proper charge-out procedures.

2. All IHS personnel who make use of records contained in this system are made aware of their responsibilities under the provisions of the Privacy Act and are required to maintain Privacy Act safeguards with respect to such records.

3. When copying records for authorized purposes, care is taken to ensure that any imperfect pages are not left in the reproduction room where they can be read, but are destroyed or obliterated.

4. Access is limited only to authorized personnel in the performance of their duties. Authorized personnel includes the system manager, his/her staff and staff of the Grants Management Office, IHS.

5. Word processing diskettes are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, seven-day security guards perform random checks on the physical security of the data. Word processing diskettes are off-loaded and stored in locked cabinets when not in use. A data set name controls the release of data to only authorized users.

Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS. hf:45-13 of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6, "ADP Systems Security and PHS Grants Administration Manual chapter PHS.i.1-602, "Information on Individuals Obtained in Grant Applications."

RETENTION AND DISPOSAL:

Records in this system are retained by the Indian Health Service for one year after the final award payment has been made by IHS and are then retired to a Federal Records Center. Records are shredded or burned by the Federal Records Center four years after they are received.

SYSTEM MANAGER AND ADDRESS:

Chief, Human Resources Development Branch, Indian Health Service, 5600 Fishers Lane, Room 6A-23, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

Requests by mail or in person: To substantiate the identity of subject individual seeking access to his/her scholarship grant application and/or performance record the requester must provide his/her name, signature, and Grant Identification Number; and to identify the record sought must provide dates of attendance, school(s) of

attendance, and field of speciality or courses taken.

In addition, the requester is informed that provision of the SSN may assist in the verification of the identity of the person as well as the identification of his/her record. The requester is informed that provisions of his/her SSN is voluntary and that the individual will not be refused access to his/her record for failure to disclose his/her SSN.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also provide a reasonable description of the record being sought.

CONTESTING RECORD PROCEDURES:

Contact the system manager, provide a reasonable description of the record, specify the information you want to contest, and state the corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals whose records are contained in the system, third parties who provide reference concerning the subject individuals, and schools that individuals in the system attend or have attended.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0037

SYSTEM NAME:

Public Health Service Scholarship and National Health Service Corps Scholarship Program HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Health Services Scholarships, Center Building, Room G-15, 3700 East-West Highway, Hyattsville, Maryland 20782.

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, Maryland 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applications for and recipients of Public Health Service and National Health Service Corps Scholarships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application and associated forms; recipient records contain progress reports, payroll forms, deferment and placement data, and social security numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 338 (42 U.S.C. 294t), the National Health Service Corps Scholarship Program.

PURPOSE(S):

To select and monitor scholarship recipients. After the award is made, the Health Services Administration and the Department's Central Payroll use the records for the following purposes: payment tracking; deferment of service obligation; default, placement, and claims determination.

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

1. Names, disciplines, current mailing addresses, and dates of graduation of scholarship recipients are made available to designated coordinators at each school of medicine, osteopathy, and dentistry participating in the Scholarship Program for the purpose of guiding and informing these recipients about the nature of their forthcoming professional service obligation in health manpower shortage areas.

2. Name of scholarship recipient, professional school he or she is attending and the date of graduation are made available to health professions associations and other interested health professions groups which have responsibility for coordinating funds paid to students from Federal and other sources.

3. A record may be disclosed for a research purpose, when the Department:

(A) Has determined that the use of disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) Has required the recipients to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any

individual, (b) for use in another research project under these same conditions and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of conducting an audit related to the research project if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

6. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to any Federal or State agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto. Authorized recipients include, but are not limited to, the Department of Justice, Department of Education, Department of the Treasury, Department of the Army, Department of the Navy, Department of the Air Force, Department of Agriculture, General Accounting Office, and the Veterans Administration.

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

STORAGE:

File folders and magnetic tape.

RETRIEVABILITY:

Name, award number, university, or Social Security Number.

SAFEGUARDS:

1. Authorized Users:

Administrative and staff personnel of the Division of Health Services Scholarships, the Division of Financing Services, and the National Health Service Corps, Bureau of Health Personnel Development and Service, who have responsibility for implementing the NHSC Scholarship Program.

2. Physical Safeguards:

Magnetic tapes, discs, other computer equipment, and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. All nonautomated documents are protected during lunch hours and nonworking hours is locked file cabinets or locked storage areas.

3. Procedural Safeguards:

A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs (see Authorized Users, above) protect information from public view and from unauthorized personnel entering an unsupervised office.

The foregoing safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS. hf:45-13 "Safeguarding Records Contained in Systems of Records," of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6, "ADP Systems Security".

RETENTION AND DISPOSAL:

Applications of individuals not selected for participation in the Scholarship program are retained for 6 months, then destroyed by shredding. Applications, contracts, and other records of selectees to the Program are retained through the completion or other disposition of the Scholarship service obligation, then sent to the Federal Records Center for an additional 7-year retention period and destroyed in accordance with Federal Records Center disposal standards.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Health Services Scholarships, BHPDS/HSA, Center

Building, Room G-15, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager and provide reasonably specific information on the record contents being sought.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures.

CONTESTING RECORD PROCEDURES:

Contact the System Manager Giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Dean or Registrar of the educational institution attended; internship and/or residency training site supervisor; personnel records of the Health Services Administration Commissioned Personnel Operations Division, Office of Personnel Management/OASH.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0038

SYSTEM NAME:

Disability Claims of the Nursing Student Loan Program HHS/HSA/BHPDS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Services, BHPDS/HSA, Parklawn Building, Room 9A-25, 5600 Fishers Lane, Rockville, MD 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for cancellation of nursing student loans due to disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letter requests claiming disability, correspondence, payment determinations and medical records or reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act section 836 (42 U.S.C. 297b).

PURPOSE(S):

To determine the eligibility of applicants who request loan cancellation due to total and permanent disability.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

Disclosures may be made to the Department of Justice for advice as to whether disclosures are required under the Freedom of Information Act, to the Department of Justice or other agency for defending claims alleged to have arisen out of Public Health Service activities, and to Federal, State or local enforcement or licensing agencies in order to obtain a record needed to make an employment, security, contracting or benefit decision. Disclosure may also be made when issued a subpoena by Federal agencies authorized to do so, to contractors (who will be required to observe safeguards) for the purpose of processing, analyzing or refining records, for employee discipline or competence determination proceedings, and when a determination is made under the Freedom of Information Act that disclosure, while not mandatory, is in the public interest.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the General Accounting Office, Office of Management and Budget, Department of Justice, and other appropriate Federal and State agencies charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or

implementing the statute or rule, regulation or order issued pursuant thereto.

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

STORAGE:

File folders. Medical records and reports are temporarily held during medical evaluation and then returned to and retained by nursing schools upon final determination of claim validity.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

1. Authorized Users: Access by administrative personnel for determination of eligibility.
2. Physical Safeguards: File folders, medical records, reports and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.
3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office.

Access to records is strictly limited to those staff members trained in accordance with the Privacy Act. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS, Hf: 45-13 of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6, "ADP Systems Security".

RETENTION AND DISPOSAL:

Records will be retained for 5 years after retirement of loans; 1 year on site and 4 years in storage. Records are disposed of in accordance with the Records Control Schedule of the Health Services Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student and Institutional Assistance Branch/Division of Student Services, BHPDS/HSA, Parklawn Building, Room 9A-25, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Requests must be made to the System Manager. An individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject

individual of its contents at the representative's discretion.

Requests in person: A subject individual who appears in person at a specific location seeking access or disclosure of records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as driver's license, passport, voter registration card, or union card. Identification papers with current photographs are preferred but not required. Additional identification may be requested when there is a request for access to records which contain an apparent discrepancy between information contained in the record and that provided by the individual requesting access to the record. No verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

Requests by mail: Requests for information and/or access to records received by mail must contain information providing the identity of the writer and a reasonable description of the record desired. Written requests must contain the name and address of the requester, his/her date of birth and at least one piece of information which is also contained in the subject record, and his/her signature for comparison purposes.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

Signature: Where an individual is unable to sign his/her name when required, he/she shall make his/her mark and have the mark verified in writing by two additional persons.

RECORD ACCESS PROCEDURES:

Contact the Systems Manager and give a reasonable description of the record. An individual who requests access of a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

CONTESTING RECORDS PROCEDURES:

Contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual claimants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0039

SYSTEM NAME:

Disability Claims in the Health Professions Student Loan Program. HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Services, BHPDS/HSA, Parklawn Building, Room 9A-25, 5600 Fishers Lane, Rockville, MD 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for cancellation of health professions student loans due to disability. These health professions are included: medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, veterinary medicine.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letter requests claiming disability, correspondence, payment determinations and medical records or reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act section 741(d) (42 U.S.C. 294n).

PURPOSE(S):

To determine the eligibility of applicants who request loan cancellation due to total and permanent disability.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to the Department of Justice for advice as to whether disclosures are required under the Freedom of Information Act to the Department of Justice or other agency for defending claims alleged to have arisen out of Public Health Service activities, and to Federal, State or local enforcement or licensing agencies in order to obtain a record needed to make an employment, security, contracting or benefit decision. Disclosure may also be made when issued a subpoena by Federal agencies authorized to do so, to contractors (who will be required to observed safeguards) for the purpose of processing, analyzing or refining records, for employee discipline or competence determination proceedings, and when a determination is made under the Freedom of Information Act

that disclosure, while not mandatory, is in the public interest.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the General Accounting Office, Office of Management and Budget, Department of Justice, and other appropriate Federal and State agencies charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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

STORAGE:

File folders. Medical records and reports are temporarily held during medical evaluation and then returned to and retained by health professions schools upon final determination of claim validity.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

1. Authorized Users: Access by administrative personnel for determination of eligibility.
2. Physical Safeguards: File folders, medical records, reports and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office.

Access to records is strictly limited to those staff members trained in accordance with the Privacy Act. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS. hf: 45-13 of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6, "ADP Systems Security".

RETENTION AND DISPOSAL:

Records will be retained for 5 years after retirement of loans; 1 year on site and 4 years in storage. Records are disposed of in accordance with the Records Control Schedule of the Health Services Administration. Contact the Systems Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student, and Institutional Assistance Branch/Division of Student Services, BHPDS/HSA, Parklawn Building, Room 9A-25, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Requests must be made to the System Manager. An individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

Requests in person: A subject individual who appears in person at a specific location seeking access or disclosure of records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as driver's license, passport, voter registration card, or union card. Identification papers with current photographs are preferred but not required. Additional identification may be requested when there is a request for access to records which contain an apparent discrepancy between information contained in the record and that provided by the individual requesting access to the record. No verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

Request by mail: Requests for information and/or access to records received by mail must contain information providing the identity of the writer and a reasonable description of

the record desired. Written requests must contain the name and address of the requester, his/her date of birth and at least one piece of information which is also contained in the subject record, and his/her signature for comparison purposes.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

Signature: Where an individual is unable to sign his/her name when required, he/she shall make his/her mark and have the mark verified in writing by two additional persons.

RECORD ACCESS PROCEDURES:

Contact the System Manager and give a reasonable description of the record. An individual who requests access of a medical/dental record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individuals of its contents at the representative's discretion.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals claimants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0040

SYSTEM NAME:

Health Professions Student Loan Repayment Program. HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Services, BHPDS/HSA, Parklawn Building, Room 9A-25, 5600 Fishers Lane, Rockville, MD 20857.

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for repayment of health professions student loans—medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, veterinary medicine.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application and associated forms, correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act section 741(f) (42 U.S.C. 294n).

PURPOSE(S):

Data is utilized by Loan Repayment Program Staff to identify the borrowers participating in the program, to determine eligibility of loan applicants, to determine current status of loan repayment agreements, to calculate amounts received under agreements, and to compile and generate managerial and statistical reports.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosures may be made to the Department of Justice for advice as to whether disclosures are required under the Freedom of Information Act, to the Department of Justice or other agency for defending claims alleged to have arisen out of Public Health Service activities, and to Federal, State or local enforcement or licensing agencies in order to obtain a record needed to make an employment, security, contracting or benefit decision. Disclosure may also be made when issued a subpoena by Federal agencies authorized to do so, to contractors (who will be required to observe safeguards) for the purpose of processing, analyzing or refining records, for employee discipline or competence determination proceedings, and when a determination is made under the Freedom of Information Act that disclosure, while not mandatory, is in the public interest.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is

compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or a regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the General Accounting Office, Office of Management and Budget, Department of Justice, and other appropriate Federal and State agencies charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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

File folders and magnetic tapes.

RETRIVABILITY:

Name of individual.

SAFEGUARDS:

1. Authorized Users: Access by administrative personnel for determination of eligibility.
2. Physical safeguards: File folders, magnetic tapes, computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. All documents are protected during lunch hours and nonworking hours in locked filed cabinets or locked storage areas.
3. Procedural Safeguards: A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office.

Access to records is strictly limited to those staff members trained in accordance with the Privacy Act. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS. hf: 45-13 of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6, "ADP Systems Security".

RETENTION AND DISPOSAL:

Records will be retained for 5 years after completion of the service obligation or repayment of the loan; 1 year on site and 4 years in storage. Records are disposed of in accordance

with the Records Control Schedule of the Health Services Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student and Institutional Assistance Branch/Division of Student Services, BHPDS/HSA, Parklawn Building, Room 9A-25, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Requests must be made to the System Manager.

Requests in person: A subject individual who appears in person at a specific location seeking access or disclosure of records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as driver's license, passport, voter registration card, or union card. Identification papers with current photographs are preferred but not required. Additional identification may be requested when there is a request for access to records which contain an apparent discrepancy between information contained in the record and that provided by the individual requesting access to the record. No verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

Requests by mail: Requests for information and/or access to records received by mail must contain information providing the identity of the writer and a reasonable description of the record desired. Written requests must contain the name and address of the requester, his/her date of birth and at least one piece of information which is also contained in the subject record, and his/her signature for comparison purposes.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

Signature: Where an individual is unable to sign his/her name when required, he/she shall make his/her mark and have the mark verified in writing by two additional persons.

RECORD ACCESS PROCEDURE:

Contact the System Manager and give a reasonable description of the record.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicant, applicant's health professions school and lending institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0041

SYSTEM NAME:

Health Professions Student Loan Cancellation. HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Services, BHPDS/HSA, Parklawn Building, Room 9A-25, 5600 Fishers Lane, Rockville, MD 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for health professions student loan cancellation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application and associated forms, correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act section 741(f)(5) (42 U.S.C. 294n).

PURPOSE(S):

To identify students participating in the cancellation program. To compile and generate managerial and statistical reports for program evaluation.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosures may be made to the Department of Justice for advice as to whether disclosures are required under the Freedom of Information Act, to the Department of Justice or other agency for defending claims alleged to have arisen out of Public Health Service activities, and to Federal, State or local enforcement or licensing agencies in order to obtain a record needed to make an employment, security, contracting or benefit decision. Disclosure may also be made when issued a subpoena by Federal agencies authorized to do so, to contractors (who will be required to observe safeguards) for the purpose of processing, analyzing or refining records, for employee discipline or competence determination proceedings, and when a determination is made

under the Freedom of Information Act that disclosure, while not mandatory, is in the public interest.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the General Accounting Office, Office of Management and Budget, Department of Justice, and other appropriate Federal and State agencies charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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

File folders.

RETRIEVABILITY:

Name of individual.

SAFEGUARDS:

1. Authorized Users: Access by administrative personnel for determination of eligibility.
2. Physical Safeguards: File folders are stored in areas where fire and life safety codes are strictly enforced. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.
3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office.

Access to records is strictly limited to those staff members trained in accordance with the Privacy Act. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS. hf: 45-13 of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6, "ADP Systems Security".

RETENTION AND DISPOSAL:

Records will be retained for 5 years after retirement of loans; 1 year on site and 4 years in storage. Records are disposed of in accordance with the Records Control Schedule of the Health Services Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student, and Institutional Assistance/Branch/Division of Student Services, BHPDS/HSA, Parklawn Building, Room 9A-25, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Requests must be made to the Systems Manager.

Requests in person: A subject individual who appears in person at a specific location seeking access or disclosure of records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as a driver's license, passport, voter registration card, or union card. Identification papers with current photographs are preferred but not required. Additional identification may be requested when there is a request for access to records which contain an apparent discrepancy between information contained in the record and that provided by the individual requesting access to the record. No verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

Requests by mail: Requests for information and/or access to records received by mail must contain information providing the identity of the writer and a reasonable description of the record desired. Written requests must contain the name and address of the requester, his/her date of birth and at least one piece of information which is also contained in the subject record, and his/her signature for comparison purposes.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

Signature: Where an individual is unable to sign his/her name when required, he/she make his/her mark and have the mark verified in writing by two additional persons.

RECORD ACCESS PROCEDURE:

Contact the System Manager and give a reasonable description of the record.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicant, school and State Health Authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0042

SYSTEM NAME:

Physician Shortage Area Scholarship Program, HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Health Services Scholarships, Center Building, Room G-15 3700 East-West Highway, Hyattsville, Maryland 20782.

Division of Computer Research and Technology, NIH Building 12, 9000 Rockville Pike, Bethesda, Maryland 20205.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of Physician Shortage Area grants in the fields of medicine and osteopathy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant applications, awards, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Health Professions Educational Assistance Act of 1976, Section 409(b) (42 U.S.C. 295g).

PURPOSE(S):

To select award recipients, to monitor their payments, and continued eligibility and their placement in health manpower shortage areas in fulfillment of their service obligations.

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

Disclosure may be made to a congressional office from the record of

an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim if successful, is likely to directly affect the operations of the Department, or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the Department of Justice, Department of Education, Department of the Treasury, Department of the Army, Department of the Navy, Department of the Air Force, Department of Agriculture, General Accounting Office, Veterans Administration, and to any Federal or State agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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

STORAGE:

File folders and magnetic tape.

RETRIEVABILITY:

Name or program ID number.

SAFEGUARDS:

1. Authorized Users:

Administrative and staff personnel of the Division of Health Services Scholarships and other components of the Bureau of Health Personnel Development and Service who have responsibility for implementing the NHSC Scholarship Program.

2. Physical Safeguards:

Magnetic tapes, discs, other computer equipment, and other forms of personal data are stored in areas where fire and

life safety codes are strictly enforced. Twenty-four hour, 7-day security guards perform random checks on the physical security of the data. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards:

A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the Privacy Act.

Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS. hf:45-13 of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6, "ADP Systems Security".

RETENTION AND DISPOSAL:

Applications, contracts and other records of selectees to the program are retained through the completion or other disposition of the scholarship service obligation. The records are then sent to the Federal Records Center for a seven year retention period and then disposed of in accordance with the HSA Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Health Services Scholarships, BHPDS/HSA, Center Building, Room G-15, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the Systems Manager. Individual must provide positive identification, such as driver's license, passport, voter's registration card, union card, or a written certification verifying his or her identity. Requestors should also reasonably specify the record contents being sought.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicant and applicant's health professions school.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0043

SYSTEM NAME:

Cuban Loan Program HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Debt Management Branch, Division of Financing Services, Parklawn Building, Room 8A55, 5600 Fishers Lane, Rockville, MD 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and recipients of Cuban Loan for medical students.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, and associated forms, correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Migration and Refugee Assistance Act of 1962, 8 U.S.C. 1255.

PURPOSE(S):

The purposes of this record system are to:

(a) Maintain, by borrower, all information relative to the application for and/or awarding of a medical school loan to an individual who qualifies under the Migration and Refugee Assistance Act;

(b) Provide proof of the notice of award, amount of original indebtedness and repayment schedule; and

(c) Support all repayment claims and/or necessary collection actions until the loan obligation is satisfied.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records

as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the Department of Justice or other Federal and State agencies, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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

Files of individual borrowers are maintained in a standard upright file cabinet. All original promissory notes are kept in a fire-proof file safe.

RETRIEVABILITY:

All record files are maintained and indexed alphabetically by last name and can be retrieved accordingly.

SAFEGUARDS:

1. Authorized Users: Access to Borrower's Files is limited to only those individuals within the Department having a substantiated need for information. These individuals must have available proof of employment.

2. Physical Safeguards: All folders are kept in standard up-right locking file cabinets which are locked during non-duty hours. Original Promissory Notes are maintained in a fire-proof file safe. Twenty-four hour, seven days a week, security guards perform random checks on the physical security of the data.

3. Procedural Safeguards: All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office. Access to records is strictly limited to those staff members trained in accordance with the Privacy Act. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS. hf:45-13 of the General Administration Manual; and with the DHHS ADP Systems manual Part 6, "ADP Systems Security".

RETENTION AND DISPOSAL:

Records will remain onsite until all financial obligations have been satisfied. Records will then be forwarded to the Federal Records Center for 10 years.

Records are disposed of in accordance with the Records Control Schedule of the Health Services Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Financing Services, BHPDS/HSA, Parklawn Building, Room 8A55, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, an individual must either come to the office or write to the Systems Manager. Individuals in either case, must provide positive identification, such as a driver's license, passport, voters registration, union card, or a written certification verifying his or her identity. The person should then be able to reasonably specify the contents of the record being sought.

RECORD ACCESS PROCEDURE:

Contact the System Manager and give a reasonable description of the record.

CONTESTING RECORD PROCEDURES:

To contest the contents of a record, an individual must contact the Systems Manager, identify him or herself and give a reasonable description of the record. He or she must then specify the information being contested and state the corrective action being sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicant, applicant's health professions school.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-15-0044

SYSTEM NAME:

Health Education Assistance Loan Program (HEAL) Loan Control Master File. HHS/HSA/BHPDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Student Services, BHPDS/HSA, Parklawn Building, Room 9A-16, 5600 Fishers Lane, Rockville, MD 20857. COMINT, 5185 MacArthur Blvd, N.W., Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of health education assistance loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, social security number or other identifying number, birthdate, demographic background, educational status, loan location, status, and financial information about the individuals for whom the record is maintained. Contains lender and school identification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, section 727 (42 U.S.C. 294) and section 728-739 (42 U.S.C. 294a-1).

PURPOSE(S):

Data are utilized by HEAL Program staff to identify students participating in the HEAL Program; to determine eligibility of loan applicants; to determine loan status of borrower; to compute insurance premium for Federal insurance; to compile and generate managerial and statistical reports; and to update file and correct errors.

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

Disclosure may be made to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to educational and financial institutions, to credit bureaus and collection agencies, and to agency contractors. Such disclosures are made in order to verify the identity of the applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to permit servicing or collecting of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and abuse, to verify compliance with program regulations and to locate a delinquent or defaulted borrower. Information may be provided to an educational or lending institution against which a complaint has been made.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosures may be made to the Department of Justice for advice as to whether disclosures are required under the Freedom of Information Act, to the Department of Justice or other agency for defending claims alleged to have arisen out of Public Health Service activities, and to Federal, State or local

enforcement or licensing agencies in order to obtain a record needed to make an employment, security, contracting or benefit decision. Disclosure may also be made when issued a subpoena by Federal agencies authorized to do so, to contractors (who will be required to observe safeguards) for the purpose of processing, analyzing or refining records, for employee discipline or competence determinations proceedings, and when a determination is made under the Freedom of Information Act that disclosure, while not mandatory, is in the public interest.

In the event of litigation where the defendant is (a) the Department or any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the General Accounting Office, Office of Management and Budget, Department of Justice, and other appropriate Federal and State agencies charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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

Storage media includes magnetic tape and disk packs. Under an existing contract with OE, all subcontractors will maintain automated data in accordance with the provisions of the Education Department ADP systems security standards.

RETRIEVABILITY:

Social Security Number or other identifying number.

SAFEGUARDS:

1. Authorized Users: Access by administrative personnel for determination of eligibility.

2. Physical Safeguards: Magnetic tapes, disk packs, computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas.

3. Procedural Safeguards: A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office.

Access to records is strictly limited to those staff members trained in accordance with the Privacy Act. Implementation Guidelines: DHHS Chapter 45-13 and supplementary Chapter PHS. hf: 45-13 of the General Administration Manual; and with the DHHS ADP Systems Manual Part 6. "ADP Systems Security".

RETENTION AND DISPOSAL:

Records will be retained for 5 years after the loan is repaid; 1 year on site and 4 years in storage. After 5 years, computer tapes are erased and all paperwork is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, HEAL Branch/Division of Student Services, BHPDA/HSS, Parklawn Building, Room 9A-16, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Requests must be made to the Systems Manager. An individual who requests notification of, or access to, a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

Requests in person: A subject individual who appears in person at a specific location seeking access or disclosure of records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as driver's license, passport, voter registration card, or union card. Identification papers with current photographs are preferred but

not required. Additional identification may be requested when there is a request for access to records which contain an apparent discrepancy between information contained in the record and that provided by the individual requesting access to the record. No verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

Requests by mail: Requests for information and/or access to records received by mail must contain information providing the identity of the writer and a reasonable description of the record desired.

Written requests must contain the name and address of the requester, his/

her date of birth and at least one piece of information which is also contained in the subject record, and his/her signature for comparison purposes.

Requests by telephone: Since positive identification of the caller cannot be established, telephone requests are not honored.

Signature: Where an individual is unable to sign his/her name when required he/she shall make his/her mark and have the mark verified in writing by two additional persons.

RECORD ACCESS PROCEDURES:

An individual who is interested in seeing his or her record should contact the system manager, provide the information listed in notification

procedure, and reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual loan recipients, HEAL schools, lenders and holders of HEAL loans and their agents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-25084 Filed 10-12-82; 8:45 am]

BILLING CODE 4110-91-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

Privacy Act of 1974; Annual Publication of Notices of Systems of Records

AGENCY: Social Security Administration (SSA), HHS.

ACTION: Annual Publication of Notices of Systems of Records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are publishing notices of systems of records which SSA maintains. The notices are complete as of August 13, 1982, and do not contain any new statements of routine use that have not previously appeared in the *Federal Register* (FR) or other new material which would require a new report to Congress or the Office of Management and Budget (OMB) as described in OMB Circular No. A-108. They do, however, contain four routine use statements which were published since the previous annual publication on October 27, 1981 (46 FR 52945) and general editorial and clarifying changes which make them accurate and up-to-date. If any substantial errors appear in this publication, we will publish corrections in a later issue of the *Federal Register* (FR).

SUPPLEMENTARY INFORMATION: We are reporting the following changes which have occurred since the previous annual publication of October 27, 1981.

I. Publication of New Material

A. Since the October 27 publication, we have published one or more routine use statements applicable to the following systems of records:

1. 09-60-0045—Black Lung Payment System, HHS/SSA/OURV (46 FR 53782, October 31, 1981 and 47 FR 1025, January 8, 1982);

2. 09-60-0058—Master Files of Social Security Number Holders, HHS/SSA/OEER (46 FR 53782, October 31, 1981 and 47 FR 19468, May 5, 1982);

3. 09-60-0059—Earnings Recording and Self-Employment Income System, HHS/SSA/OEER (46 FR 53782, October 31, 1981);

4. 09-60-0089—Claims Folders and Post-adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits, HHS/SSA/OOPP (47 FR 1025, January 8, 1982);

5. 09-60-0090—Master Beneficiary Record, HHS/SSA/OURV (46 FR 53782, October 31, 1981 and 47 FR 1025, January 8, 1982);

6. 09-60-0094—Recovery Accounting for Overpayments, HHS/SSA/OURV (47 FR 1025, January 8, 1982); and

7. 09-60-0103—Supplemental Security Income Record, HHS/SSA/OURV (46 FR 53782, October 31, 1981 and 47 FR 1025, January 8, 1982);

The specific routine use statements may be obtained by referencing the FR citations provided.

II. Deletion of Material from Publication

A. Effective with this publication, we are deleting notices for the following systems of records for the reasons stated.

1. 09-60-0030—Employee Housing Request Files, HHS/SSA/OMBP (46 FR 52955, October 27, 1981).

The functions for which this system was established no longer are being performed. We, therefore, will dispose of the records in the system and are deleting the notice from publication.

1. 09-60-0049—Disability Data Record, HHS/SSA (46 FR 52963, October 27, 1981).

This system is a subsystem of system 09-60-0089—Claims Folder System, HHS/SSA/OOPP and a separate notice is not necessary. All pertinent information from the notice for this system has been transferred to the notice for the Claims Folder system.

3. 09-60-0051—Administrative Disallowance Records for Technical Denials, HHS/SSA/OOPP (46 FR 52964, October 27, 1981).

This system is a subsystem of system 09-60-0089—Claims Folder System, HHS/SSA/OOPP and a separate notice is not necessary. All pertinent information from the notice for this system has been transferred to the notice for the Claims Folder System.

4. 09-60-0065—Direct Input Source Documents, HHS/SSA/ARC-FO (46 FR 52970, October 27, 1981).

This system is a subsystem of system 09-60-0089—Claims Folder System, HHS/SSA/OOPP and a separate notice is not necessary. All pertinent information from the notice for this system has been transferred to the notice for the Claims Folder system.

5. 09-60-0069—Record of Claims (Microfiche), HHS/SSA/ARC-FO (46 FR 52970, October 27, 1981).

Records in this system are covered by system 09-60-0090—Master Beneficiary Record; a separate notice, therefore, is not necessary.

6. 09-60-0080—Problem Case File, HHS/SSA/ARC-FO (46 FR 52972, October 27, 1981).

This system is a subsystem of system 09-60-0089—Claims Folder System, HHS/SSA/OOPP and a separate notice is not necessary. All pertinent information from the notice for this system has been transferred to the notice for the Claims Folder system.

7. 09-60-0081—Problem Case File (Supplemental Security Income (SSI)), HHS/SSA/ARC-FO (46 FR 52972, October 27, 1981).

Same as above.

8. 09-60-0082—Forced Payment File (SSI), HHS/SSA/ARC-FO (46 FR 52973, October 27, 1981).

Same as above.

9. 09-60-0083—One Time Payment File (SSI), HHS/SSA/ARC-FO (46 FR 52973, October 27, 1981).

Same as above.

10. 09-60-0084—Control File for Cases Before Presiding Officers, HHS/SSA/ARC-FO (46 FR 52973, October 27, 1981).

Same as above.

11. 09-60-0085—Claims Leads, HHS/SSA/ARC-FO (46 FR 52974, October 27, 1981).

Same as above.

12. 09-60-0208—Program Integrity Case Control System, HHS/SSA/OA (46 FR 52995, October 27, 1981).

The records in this system are covered by system 09-60-0097—Program Integrity Case Files and a separate notice is not necessary.

III. General Editorial and "Housekeeping" Changes

A. Specific changes—We have changed the names of the following systems. The new names more accurately reflect the purposes of the systems:

1. System 09-60-0032 from Debtor, Credit Counseling and Consumer Protection, HHS/SSA/OMBP to Employee Indebtedness Counseling System, HHS/SSA/OMBP;

2. System 09-60-0089—Claims Folder and Post-Adjudicative Record of Applicants for and Beneficiaries of Social Security Benefit, HHS/SSA/OOPP to Claims Folder System, HHS/SSA/OOPP; and

3. System 09-60-0129 from Adjudication of Supplemental Security Income Claims Study, HHS/SSA/OA to Adjudication of Supplemental Security Income Policy Analysis Review, HHS/SSA/OA.

B. General—We have made a number of minor corrections to the notices which make them accurate and up-to-date.

Dated: August 30, 1982.

John A. Svahn,

Commissioner of Social Security.

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System Number and Name

09-60-0001 Commissioner's Correspondence File, HHS/SSA/OC.

09-60-0002 Automated Controlled Correspondence Extraction System, HHS/SSA/OGA.

- 09-60-0003 Hearing File, HHS/SSA/OHA.
 09-60-0004 Appeals File, HHS/SSA/OHA.
 09-60-0005 Hearing Office File, HHS/SSA/OHA.
 09-60-0006 Storage of Hearing Records: Tapes and Cassettes and Audiograph Discs, HHS/SSA/OHA.
 09-60-0008 Administrative Law Judge's File, HHS/SSA/OHA.
 09-60-0009 Hearings and Appeals Case Control System, HHS/SSA/OHA.
 09-60-0012 Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Advisors and Medical Consultants, HHS/SSA/OHA.
 09-60-0013 Records of Usage of Medical Advisors and Medical Consultants, HHS/SSA/OHA.
 09-60-0014 Curriculum and Professional Qualifications of Staff Physicians, Medical Advisors, Medical Consultants and Resume of Vocational Experts, HHS/SSA/OHA.
 09-60-0015 List of Physical Utilized as Readers of Black Lung X-Ray Films, HHS/SSA/OHA.
 09-60-0017 Personnel Research and Merit Promotion Test Records, HHS/SSA/OMB.
 09-60-0031 Employee Production and Accuracy Records, HHS/SSA/OMB.
 09-60-0032 Employee Indebtedness Counseling System, HHS/SSA/OMB.
 09-60-0033 Request for Review of Proposed Contracts with Experts and Consultants, HHS/SSA/OMB.
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 09-60-0038 Employee Identification Card Files (Building Passes), HHS/SSA/OMB.
 09-60-0040 Quality Review System, HHS/SSA/OA.
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 09-60-0044 Disability Determination Service Processing File, HHS/SSA/ODP.
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 09-60-0047 Critical Case Processing Time, HHS/SSA/OOPP.
 09-60-0050 Completed Determination Record—Continuing Disability Determinations, HHS/SSA/OOPP.
 09-60-0052 Disposition of Vocational Rehabilitation Report to Social Security Administration, HHS/SSA/ODP.
 09-60-0053 Reimbursement From Trust Fund for Vocational Rehabilitation Services, HHS/SSA/ODP.
 09-60-0056 Vocational Rehabilitation Savings Calculations, HHS/SSA/ODP.
 09-60-0058 Master Files of Social Security Number Holders, HHS/SSA/OEER.
 09-60-0059 Earnings Recording and Self-Employment Income System, HHS/SSA/OEER.
 09-60-0063 Resource Accounting and Project Management System, HHS/SSA/OS.
 09-60-0066 Claims Development Record, HHS/SSA/OFO.
 09-60-0075 Congressional Bills, HHS/SSA/OP.
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 09-60-0089 Claims Folder, HHS/SSA/OOPP.
 09-60-0090 Master Beneficiary Record, HHS/SSA/OURV.
 09-60-0091 Social Security Administration Claims Control System, HHS/SSA/OURV.
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 09-60-0097 Program Integrity Case Files, HHS/SSA/OA.
 09-60-0102 Fee Ledger System for Representatives, HHS/SSA/OIP.
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 09-60-0110 Supplemental Security Income File of Refunds, HHS/SSA/OURV.
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 09-60-0128 Retirement, Survivors and Disability Insurance Claims Study, HHS/SSA/OA.
 09-60-0129 Adjudication of Supplemental Security Income Policy Analysis Review, HHS/SSA/OA.
 09-60-0148 Matches of Internal Revenue Service and Social Security Administration Data with Census Survey Data (Joint Social Security Administration/Census Statistics Development Project), HHS/SSA/OP.
 09-60-0149 Matches of Internal Revenue Service and Social Security Administration Data (Joint Social Security Administration/Treasury Department Statistics Development Project), HHS/SSA/OP.
 09-60-0159 Continuous Work History Sample (Statistics), HHS/SSA/OP.
 09-60-0184 Hearing Office Master Calendar, HHS/SSA/OHA.
 09-60-0186 SSA Litigation Tracking System, HHS/SSA/OR.
 09-60-0196 Disability Studies, Surveys and Records (Statistics), HHS/SSA/OP.
 09-60-0198 Extramural Research Administrative File, HHS/SSA/OP.
 09-60-0199 Extramural Survey (Statistics), HHS/SSA/OP.
 09-60-0200 Retirement and Survivors Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP.
 09-60-0202 Old Age, Survivors and Disability Beneficiary and Worker Records and Extracts (Statistics), HHS/SSA/OP.
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 09-60-0206 Repatriate Records System, HHS/SSA/OFA.
 09-60-0209 Readership Surveys of the Office of Research and Statistics, HHS/SSA/OP.
 09-60-0210 Record of Individuals Authorized Entry to Secured Automated Data Processing Areas, HHS/SSA/OMB.
 09-60-0212 Supplemental Security Income Operational Quality Maintenance System, HHS/SSA/OA.
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 09-60-0216 Indochina Refugee, Refugee Financial Assistance System, HHS/SSA/ORR.
 09-60-0217 Cuban Refugee Registration Records, HHS/SSA/ORR.
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 Appendix B Disability Insurance Claims.
 Appendix C Regional Offices Addresses.
 Appendix D Supplementary Security Income Claims.
 Appendix E Federal Coal Mine Health and Safety Act Claims (Black Lung).
 Appendix F Social Security Administration Field Operations Addresses.
 Appendix G Office of Hearings and Appeals Addresses.
 Appendix H Office of Central Operations Electronic Data Operations Centers.
 Appendix I Availability of Records, Manuals, Etc.
 Appendix J Social Security Administration Data Security Measures.
 Appendix K Obtaining Access to Records.
 Appendix L Field Assessment Offices.
 Appendix M Field Assessment Offices and Central Supplemental Security Income Analysis Components.
- 09-60-0001**
- SYSTEM NAME:**
 Commissioner's Correspondence File, HHS/SSA/OC.
- SYSTEM CLASSIFICATION:**
 None.
- SYSTEM LOCATION:**
 Social Security Administration, Room 922, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235 and
 Social Security Administration, Room 656G Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201
- CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**
 Any person or group who writes directly to the Commissioner of Social Security.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Commissioner's incoming personnel correspondence and responses to such correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205 of the Social Security Act.

PURPOSE(S):

This system is established solely for reference when applying to subsequent inquiries.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

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

Records are stored in paper form and in magnetic media (e.g., magnetic tape and disk).

RETRIEVABILITY:

Records in this system are indexed and retrieved by the name of the correspondent.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the Department of Health and Human Services' Automated Data Processing Manual, "Part 6, ADP System Security." This includes maintaining the records in a secured enclosure attended by security guards. Anyone entering or leaving the enclosure must have a special badge issued only to authorized personnel. Access to specific records in this system is limited to members of the Executive Secretariat's staff. Also, employees are periodically briefed on Privacy Act requirements and SSA confidentiality rules, including the criminal sanctions for unauthorized disclosure of or access to personal records. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personnel records.)

RETENTION AND DISPOSAL:

General correspondence is held 2 years. Paper files are destroyed by shredding when deemed appropriate. Computer files are archived after 12 months.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Baltimore Branch, Executive Secretariat, 922 Altmeyer Building, 6401

Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the following address: Office of the Commissioner, 922 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

When requesting notification or access to a record in this system, the individual should refer to this system and provide his or her name and return address. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Incoming correspondence and responses to the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0002

SYSTEM NAME:

Automated Controlled Correspondence Extraction System. HHS/SSA/OCA.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Public Inquiries, 6401 Security Boulevard, Baltimore, Maryland 21235
Social Security Administration, Office of Disability Operations, Dickenson Tower Building, 1500 Woodlawn Drive, Baltimore, MD 21241
Social Security Administration, Office of Hearings and Appeals, Ballston Center, Tower 2, 800 Randolph Road, Arlington, VA 22204

and

Health Care Financing Administration, Medicare Bureau, 6401 Security Boulevard, Baltimore, Maryland 21235

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained for individuals who forward a request for information to the Commissioner of Social Security and for individuals whose requests to members of Congress, the President, etc., are forwarded to the Commissioner for response.

This system also contains records on Social Security beneficiaries (or persons inquiring on their behalf) who are reporting failure to receive a check or checks which they believe are due or are inquiring about other matters which have been determined to be of critical or sensitive nature.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the records includes the following: name of individual involved (and Social Security number if given); name of third party inquirer (if present); type of correspondence; organizational component having initial responsibility for the inquiry; Congressman's name (if a congressional inquiry); inquiry source code (indicates which congressman's office referred an inquiry to the Social Security Administration (SSA)); address-to code (official to whom inquiry is directed); signature code (official whose name will appear on the reply); computer identification code (10-digit code cross-referred to the name of the individual); subject matter code; location of information (component and date of receipt); and response information (type and date of Social Security Administration response).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205(a) and 1631 of the Social Security Act (42 U.S.C. sections 405(a) and 1383) and section 413 of the Federal Coal Mine Health and Safety Act (Black Lung Act).

PURPOSE(S):

Information is maintained in this system solely to aid in the control of correspondence through the various processing steps. This system is used to control processing of correspondence within the SSA Central Office complex and the SSA Office of Hearings and Appeals in Arlington, Virginia, and to provide management information regarding the correspondence process.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office

made at the request of the subject of a record.

2. To the Department of the Treasury to determine if payment was issued or check returned for cash.

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

STORAGE:

The records are maintained in magnetic media (e.g., magnetic tape and computer discs and in paper form).

RETRIEVABILITY:

The data in this system are retrieved by both name and computer identification number, which are cross-referred.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the HHS Automatic Data Processing Manual, "Part 6, ADP System Security." This includes maintaining the records in secured enclosures attended by security guards. Anyone entering or leaving the enclosures must have a special badge issued only to authorized personnel. Access to specific records is limited to employees who have a need for them in the performance of their official duties. Paper records are maintained in locked files or in buildings which are secured after normal business hours. Also, all employees periodically are briefed on Privacy Act requirements and SSA confidentiality rules, including the criminal sanctions for unauthorized disclosure of or access to personal records. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal records.)

RETENTION AND DISPOSAL:

Records are maintained on-line in the system from the time of control until 13 months after the final response is released. Magnetic tape records are maintained for an additional 24 months before being erased. Paper records are disposed of by shredding when deemed no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Public Inquiries, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the following address: Chief, Correspondence Systems and Analysis Branch, Office of Public Inquiries, Social Security

Administration, 6401, Security Boulevard, Baltimore, 21235.

When requesting notification of or access to records, the individual should provide his or her name, the person to whom the inquiry was sent, and the date of the inquiry. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records in this system are derived from inquiries directed to the Commissioner of Social Security from members of the public; individuals or someone acting on their behalf; the individual's claims record (maintained in the system 09-60-0089); and contacts within and outside SSA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0003

SYSTEM NAME:

Hearing File and Attorney Fee File, HHS/SSA/OHA.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Hearing File: Preparation of new hearing files was discontinued as of May 30, 1975. Files prepared prior to that date are still used, when available, by Office of Hearings and Appeals (OHA) employees at appropriate work stations. Existing files are maintained at: Social Security Administration, Office of Hearings and Appeals, 801 North Randolph Street, Arlington, Virginia 22203.

ATTORNEY FEE FILE:

Attorney fee information is maintained primarily in the appropriate hearing offices (see Appendix G for address information).

When the Administrative Law Judge recommends approval of a requested fee amount which exceeds \$3,000 or when

there is a requested administrative review of fees initially authorized by the Administrative Law Judge, the files are maintained by the regional chief Administrative Law Judge in the appropriate regional office (see Appendix G for Address information).

Attorney fee files relating to requested administrative review of fees initially authorized by the regional chief Administrative law Judges, as well as those where the Attorney Fee staff has sole jurisdiction, are maintained at: Social Security Administration, Office of Hearings and Appeals, 200 Glebe Road Arlington, Virginia 22203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants title II (Retirement, Survivors and Disability Insurance), title IX (claimants subject to professional standards review), title XVI (Supplemental Security Income), title XVIII (Health Insurance), and claimants for Black Lung Benefits under provisions of the Federal Coal Mine Health and Safety Act; and attorneys representing claimants in Social Security Administration proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM:

When present, the hearing file generally contains: request for hearing, notice of hearing, "Appearance at Hearing" Card signed by claimant, correspondence to and from claimant, representative, or other source of evidence, cassette recordings of hearing, HA-503 card (case control device), decision (or dismissal order) and any material otherwise in an Appeals File. The hearing file (when present) may also contain the following information which is otherwise maintained as the Attorney fee File: Attorney fee Petition; Fee Authorization Order; related correspondence and control card; and when appropriate, request for administrative review and Attorney Fee Analyst recommendation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

PURPOSE(S):

The Hearing File contains information used in processing the claimant's Request for Hearing; information for the conduct of the hearing, if any; and information the Administrative law Judge uses to reach a decision. Attorney Fee Files are used in processing attorney fee petitions and to respond to

correspondence and other inquiries related to representation of claimants.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To applicants, claimants, beneficiaries, other than the subject individual, authorized representatives, experts, and other participants at a hearing to the extent necessary to pursue a claim or other matter on appeal.

4. To an attorney to the extent necessary to dispose of an attorney fee petition.

5. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

STORAGE:

Records are stored in paper form (e.g., individual case folders and file control cards).

RETRIEVABILITY:

Records are indexed and retrieved by name and Social Security number.

SAFEGUARDS:

Hearing File folders are stored in filing cabinets. Attorney Fee File control cards are stored in filing containers. The folders are kept on filing shelves. The

records are kept in a secured storage area with access to and use of these records limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal records.)

RETENTION AND DISPOSAL:

After all actions are completed, hearing files are forwarded to the Federal Archives Records Center. Attorney fee file folders are destroyed after 2 years, control card after 5 years, by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Room 402, 3833 North Fairfax Drive, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to the system manager at the address shown below: Social Security Administration, Office of Hearings and Appeals, P.O. Box 2518, Washington, D.C. 20013.

When requesting notification of or access to records, the individual should provide his/her name and Social Security number. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters also should reasonably specify the record contents they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters also should reasonably identify the record, specify the information they are contesting and state the correction action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in this system is derived from the claimant, his or her representative, appropriate members of the public, the Social Security

Administration and other Federal, State and local agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0004

SYSTEM NAME:

Appeals File, HHS/SSA/OHA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Hearing and Appeals, 801 North Randolph Street, Arlington, Virginia 22203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants—title II (Retirement, Survivors and Disability Insurance); title XVI (Supplemental Security Income); title XVIII (Health Insurance); title XI (claimants subject to Professional Standards Review) and claimants for Black Lung benefits under provisions of the Federal Coal Mine Health and Safety Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file generally contains: Hearings and Appeals analyst's recommendation to the Appeals Council; a copy of the Administrative Law Judge decision or dismissal; a copy of the Request for Review by the Appeals Council form; copies of correspondence and replies relating to the case; requests to Medical Support Staff and their comments, if not entered into the record; copies of Appeals Council actions on the case; notice of denial of request for review, order of remand, notice of granting review, Appeals Council decisions; copies of all post-adjudicative actions or correspondence; copies of transcripts when available.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

PURPOSE(S):

The Appeals File is established to be an internal working file used in connection with a recommendation to, or action by, the Appeals Council in an individual case. The Office of Hearings and Appeals creates the file when there is no hearing file. Members of the Appeals Council and their support staff use the Appeals File when working on

cases on appeal and when handling post-adjudicative actions and correspondence.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

STORAGE:

The records are maintained in paper form (e.g., paper folder files on filing shelves).

RETRIEVABILITY:

The records are indexed and retrieved by use of the Social Security number.

SAFEGUARDS:

Access to and use of these records limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The records are destroyed 12 calendar months after the Appeals Council's final action where no court action is initiated. In active court cases, the records are destroyed 4 calendar months after final court action. All files are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Room 402, 3833 North Fairfax Drive, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the following address and providing his or her name and Social Security number (or the name and Social Security number under which the claim was filed). (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.)

Social Security Administration, Office of Hearings and Appeals, 801 North Randolph Street, Arlington, Virginia 22203.

These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the record contents they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Claimants, his/her representative, appropriate members of the public, the Social Security Administration and other Federal, State and local agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0005

SYSTEM NAME:

Hearing Office File, HHS/SSA/OHA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Local hearing offices (See Appendix G for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants—title II (Retirement, Survivors and Disability Insurance); title XI (claimants subject to Professional Standards Review); title XVI (Supplemental Security Income); title XVIII (Health Insurance); and claimants for Black Lung benefits under provisions of the Federal Coal Mine Health and Safety Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Hearing Office File is established in the hearing office of hearing actions taken on each particular case. The file may contain copies of the Notice of Hearing, Decision on Dismissal, and the Exhibit List when one is prepared, a copy of congressional inquiries and responses thereto as well as copies of post-adjudicative material received and any responses made, but not official copies, which are placed in claims folders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

PURPOSE(S):

This system is used to reference the actions taken in a particular case at the hearing level. The Administrative Law Judge or hearing office staff uses the information to reply to future correspondence.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice

Department has agreed to represent such employee;
HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

STORAGE:

Records in this system are maintained in paper form.

RETRIEVABILITY:

The records are indexed and retrieved alphabetically by claimants' names.

SAFEGUARDS:

Access to and use of the records are limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal records.)

RETENTION AND DISPOSAL:

The records are destroyed by shredding, 2 years after final action was taken.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Room 402, 3833 North Fairfax Drive, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing the hearing office (see Appendix G for address information).

When requesting notification, the individual should provide his or her name, address, and Social Security number. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations, 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations, 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Claimants, their representatives, appropriate members of the public, the Social Security Administration and other Federal, State and local agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0006

SYSTEM NAME:

Storage of Hearing Records: Tape Cassettes and Audiograph Discs, HHS/SSA/OHA.

SYSTEM LOCATION:

Social Security Administration, Office of Hearings and Appeals, 801 North Randolph Street, Arlington, Virginia 22203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants—title II (Retirement, Survivors and Disability Insurance); title XI (claimants subject Professional Standards Review); title XVI (Supplemental Security Income); title XVIII (Health Insurance) and claimants for Black Lung benefits pursuant to provisions of the Federal Coal Mine Health and Safety Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Recording of actual hearing before an Administrative Law Judge. Hearing cassettes are recorded on reel tapes. Each reel tape contains a consolidation of approximately 940 cassettes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631, and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

PURPOSE(S):

The tape cassettes and audiograph discs system is the basic record of the

hearing conducted in an individual case by the Administrative Law Judge. It is the source from which the document transcript is prepared. Social Security employees use the information as a reference to respond to subsequent correspondence and/or further appeal of the claim and to process an attorney fee petition when appropriate.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

STORAGE:

The records are stored on cassette tapes, master tape reels, and in disc storage containers.

RETRIEVABILITY:

The records are indexed by name and Social Security number.

SAFEGUARDS:

The containers are housed on racks in a secure storage area with access to the records limited to employees with a job related need to know. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training.

(See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Tape cassettes dated prior to 1981 are transferred to the Washington National Records Center (WNRC) 12 months after the last action on the case. The cassettes are destroyed (erased) after 10 years in the WNRC. Tape cassettes dated 1981 and after, after recording on reels, are erased and returned to blank stock after 6 months. Master reels are transferred to the WNRC when 3 years old and then erased after 10 years. Disks are erased when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Room 402, 3833 North Fairfax Drive, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to the address below and providing his or her name and Social Security number. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) The date the hearing was held would be helpful, but is not mandatory.

Social Security Administration, Office of Hearings and Appeals, P.O. Box 2518, Washington, D.C. 20013.

These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The records are derived from claimants, representative, witnesses and the Administrative Law Judge and staff persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0008

SYSTEM NAME:

Administrative Law Judge's Docket, HHS/SSA/OHA.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

All hearing offices (See Appendix G for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants—title II (Retirement, Survivors and Disability Insurance); title XI (claimants subject to Professional Standards Review); title XVI (Supplemental Security Income); title XVIII (Health Insurance) and claimants for Black Lung benefits pursuant to provisions of the Federal Coal Mine Health and Safety Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system consists of a list of the cases pending before the Administrative Law Judge. When a Request for Hearing is received, a case control card is prepared. Case control cards serve as a docket of assigned cases for the Administrative Law Judges.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d), and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

PURPOSE(S):

This system enables the Administrative Law Judges to maintain control of his or her caseload.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To the Department of Justice in the event of litigation where the defendant is:
 - (a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;
 - (b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records are maintained in paper form.

RETRIEVABILITY:

The records are indexed and retrieved by use of the Social Security number.

SAFEGUARDS:

Access to and use limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

As each case is disposed of, copy #1 remains in a central locator file and is shredded after 2 years; copy #2 is filed in the Hearing Office File and is destroyed at the time the Hearing Office File is destroyed; copies #'s 3 and 4 are placed in the Claims Folder and remains there until that file is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Room 402, 3833 North Fairfax Drive, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing the hearing office (see Appendix G for address information).

When requesting notification, the individual should provide his or her name, Social Security number and address. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Administrative law judge, from information on incoming cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0009

SYSTEM NAME:

Hearings and Appeals Case Control System, HHS/SSA/OHA.

SYSTEM CLASSIFICATION

None.

SYSTEM LOCATION:

Social Security Administration, Office of Hearings and Appeals, 801 North Randolph Street, Arlington, Virginia 22203

and

each Hearing Office (see Appendix G for address information)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants—title II (Retirement, Survivors and Disability Insurance); title XI (claimants subject to Professional Standards Review); title XVI (Supplemental Security Income); title XVIII (Health Insurance) and claimants for Black Lung benefits pursuant to provisions of the Federal Coal Mine Health and Safety Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security number, name, type of claim, last action on case/date, location of case (office), date of receipt, hearing request (date/type/ schedule date/ request for review date), administrative law judge, cross reference number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and section 413(b) of the Federal Coal

Mine Health and Safety Act, as amended.

PURPOSE(S):

The SSA Office of Hearings and Appeals uses this system to ascertain case location and status.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are maintained in paper form, on microfilm and in magnetic media (e.g., magnetic tape and magnetic disk).

RETRIEVABILITY:

The records are indexed and retrieved by use of the Social Security number.

SAFEGUARDS:

Access to and use of the records are limited to those employees whose official duties require such access. System security for the automated records has been established in accordance with the HHS Automated Data processing Manual, "Part 6, ADP System Security." This includes maintaining the records in secured enclosure attended by armed marshals. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The records are retained until they are retired to a Federal Archives Records Center; magnetic tape records then are erased and returned to stock. Paper records are disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Room 402, 3833 North Fairfax Drive, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by following the instructions below:

For cases at the Appeals Council write to: Social Security Administration, Office of Hearings and Appeals, P.O. Box 2518, Washington, D.C. 20013.

For cases at the Hearing Office write to the Hearing Office at the appropriate address in Appendix G.

When requesting notification, the individual should provide his or her name, address and Social Security number. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESSING PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from claimants, representatives, appropriate members of the public, the Social Security Administration and other Federal, State and local agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0012

SYSTEM NAME:

Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical

Advisors, and Medical Consultants,
HHS/SSA/OHA.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of
Hearings and Appeals, Vocational
Consultant Program Staff, 801 North
Randolph Street, Arlington, Virginia
22203

Social Security Administration, Office of
Hearings and Appeals, Appeals
Council, Office of Hearings and
Appeals, 801 North Randolph Street,
Arlington, Virginia 22203.

and

each hearing office (see Appendix G for
address information)

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

Individuals under contract to provide
expert or consultative services to the
Office of Hearings and Appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

A list of all Vocational Experts and
Medical Advisors under contract, who
are within the area serviced by the
hearing office, and their usage. A list of
all Medical Consultants under contract
for services in Central Office. In
addition, a folder is kept for each expert
containing name, Social Security
Number, a copy of the contract,
qualifications, travel orders, invoices,
and correspondence and other written
records concerning usage as a expert,
including evaluation or services.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

Sections 205, 1631(d)(1), and 1872 of
the Social Security Act, as amended and
Section 413(d) of the Federal Coal Mine
Health and Safety Act, as amended.

PURPOSE(S):

The purposes of this system are as
follows: Listing alphabetically by name
of vocational expert and medical
advisor is used to select the expert or
advisor on a rotational basis for use in a
hearing case. Listing alphabetically by
name of consultant is used to select a
consultant as needed in a case before
the Appeals Council. Records
maintained in contractor files are used
for carrying out administrative
management responsibilities. These may
be used in connection with budgetary
planning, assessing services and usage,
renewal of contracts, and preparing
statistical or summary reports.

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

Disclosure may be made for routine
uses as indicated below:

1. To a congressional office in
response to an inquiry from that office
made at the request of the subject of a
record.

2. To the Department of Justice in the
event of litigation where the defendant
is:

(a) The Department of Health and
Human Services (HHS), any component
of HHS or any employee of HHS in his
or her official capacity;

(b) The United States where HHS
determines that the claim, if successful,
is likely to directly affect the operations
of HHS or any of its components; or

(c) Any HHS employee in his or her
individual capacity where the Justice
Department has agreed to represent
such employee;

HHS may disclose such records as it
deems desirable or necessary to the
Department of Justice to enable that
Department to present an effective
defense, provided such disclosure is
compatible with the purpose for which
the records were collected.

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

STORAGE:

Records are stored in paper form.

RETRIEVABILITY:

Records are retrieved alphabetically
by name.

SAFEGUARDS:

Folders are maintained in locked filing
cabinets. Access to and use are limited
to those persons whose official duties
require such access. All employees are
instructed in Social Security
Administration confidentiality rules as
part of their initial training. (See
Appendix J to this publication for
additional information relating to
safeguards the Social Security
Administration employs to protect
personal information.)

RETENTION AND DISPOSAL:

Records are retained for at least 2
years after expiration of contract at
which time they are disposed of by
shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of
Hearings and Appeals, Room 402, 3833
North Fairfax Drive, Arlington, Virginia
22203.

NOTIFICATION PROCEDURE:

An individual can determine if this
system contains a record pertaining to
him or her by writing to the applicable
hearing office (see Appendix G for
address information) for vocational
experts and medical consultants; or to
the address below for medical advisors:

Social Security Administration, Office
of Hearings and Appeals, P.O. Box 2518,
Washington, D.C. 20013.

When requesting notification, an
individual should provide his or her
name, Social Security number, date of
birth, and type of contract services.
(Furnishing the Social Security number
is voluntary, but it will make searching
for an individual's record easier and
avoid delay.) These procedures are in
accordance with HHS Regulations 45
CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures.
Requesters also should reasonably
specify the record contents being sought.
These access procedures are in
accordance with HHS Regulations 45
CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures.
Requesters should also reasonably
identify the record, specify the
information they are contesting and
state the corrective action sought and
the reasons for the correction with
supporting justification. These
procedures are in accordance with HHS
Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The records are derived from
information supplied by the individual
or information provided by SSA
officials.

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

None.

09-60-0013

SYSTEM NAME:

Records of Usage of Medical
Advisors, Medical Consultants and
Vocational Experts, HHS/SSA/OHA.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office
of Hearings and Appeals, Appeals
Council, 3833 North Fairfax Drive, Room
105, Arlington, Virginia 22203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medical advisors, medical consultants and vocational experts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contains information about the usage of medical advisors, medical consultants and vocational experts such as the occasions on which each medical advisor, medical consultant or vocational expert supplied advice or services to the administrative law judges or the Appeals Council, respectively, amount of time involved, fees paid, and types of cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

PURPOSE(S):

The purpose of this system is to provide information so that the Social Security Office of Hearings and Appeals can measure the usage of medical advisors, medical consultants and vocational experts and make its determinations on contract renewal. This system is used to prepare statistical or summary reports and to counsel physicians about services.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office from the record of an individual in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are maintained in paper form (e.g., folders, looseleaf binders and punchcards) and in magnetic media (e.g., magnetic tape and magnetic disks).

RETRIEVABILITY:

Records are retrieved alphabetically by name.

SAFEGUARDS:

Folders are kept in locked cabinets. System security for automated records have been established in accordance with HHS Automated Data Processing Manual, "Part 6, ADP System Security." This includes maintaining magnetic tape and magnetic disk records in an enclosure attended by security guards. Access to and use of the records are limited to Office of Hearings and Appeals management and administrative employees whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial training. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Records are maintained for contract duration of each medical advisor, medical consultant or vocational expert as deemed necessary for consideration with subsequent contract application. Paper records are disposed of by shredding and automated records by erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Room 402, 3833 North Fairfax Drive, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to the following address:

Social Security Administration, Office of Hearings and Appeals, P.O. Box 2518, Washington, D.C. 20013.

When requesting notification, the individual should provide his or her name, Social Security number, and whether he or she is a medical adviser, medical consultant or vocational expert. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in

accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The records are obtained from Administrative Law Judges, the Appeals Council, and supporting staffs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0014

SYSTEM NAME:

Curriculum Vitae and Professional Qualifications of Medical Officers and Medical Advisors and Medical Consultants and Resume of Vocational Experts, HHS/SSA/OHA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Hearings and Appeals, Vocational Consultant Program Staff, 801 North Randolph Street, Arlington, Virginia 22203

Manager, Appeals Council, Office of Hearings and Appeals, 801 North Randolph Street, Arlington, Virginia 22203

and

each Hearing office (See Appendix G for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medical offices, medical consultants, vocational experts and medical advisors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Curriculum vitae and professional qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act as amended.

PURPOSE(S):

This system is reproduced as appropriate for use as an exhibit in individual cases. The Administrative Law Judge or Appeals Council member uses the information to demonstrate the physician's professional background and expertise, and the vocational expert's professional background and expertise.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office response to an inquiry from that office made at the request of the subject of a record.
2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee.

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

3. To parties to a hearing, as a matter of due process.

4. To the claimant (who would be a third party in this instance), as a matter of due process.

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

Records are maintained in paper form (e.g., folders in filing cabinets).

RETRIEVABILITY:

Records are retrieved alphabetically by the name of the individual.

SAFEGUARDS:

Folders are kept in metal filing cabinets. Access to and use of these records are limited to those persons

whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Records are maintained as long as medical officers are employed by the Office of Hearings and Appeals and medical advisor, medical consultant, or vocational expert is under contract, after which they are disposed of by shredding.

MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Room 402, 3833 North Fairfax Drive, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to the appropriate hearing office (see Appendix G for address information) or to the address below.

Social Security Administration, Office of Hearing and Appeals, P.O. Box 2518, Washington, D.C. 20013.

When requesting notification, the individual should provide his or her name, Social Security number, and indicate whether he or she is a medical officer, medical advisor, medical consultant, or vocational expert. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information either comes from the individual, from information supplied by the individual or from medical directories.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0015

SYSTEM NAME:

List of Physicians Utilized as Readers of Black Lung X-Ray Films, HHS/SSA/OHA.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Hearings and Appeals, 801 North Randolph Street, Arlington, Virginia 22203

and

each Hearing Office (See Appendix G for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians under contract utilized by the Office of Hearings and Appeals for X-ray reading in Black Lung cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of contract, professional qualifications and curriculum vitae of the physicians.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

PURPOSE(S)

This system facilitates the selection of an appropriate physician to read black lung X-ray films in individual cases.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful,

is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in paper form (e.g., folders in filing cabinets).

RETRIEVABILITY:

Records are retrieved alphabetically by the name of the physician.

SAFEGUARDS:

Folder are kept in locked filing cabinets. Access to and use of these records are limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Room 402, 3833 North Fairfax Drive, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to the appropriate hearing office (see Appendix G for hearing office address) or writing to the following address:

Social Security Administration, Office of Hearings and Appeals, P.O. Box 2518, Washington, D.C. 20013.

When requesting notification, the individual should provide his or her name and Social Security number. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information obtained from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0017

SYSTEM NAME:

Personnel Research and Merit Promotion Test Records, HHS/SSA/OMBP.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Management, Budget, and Personnel, Office of Human Resources, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Social Security Administration (SSA).

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include tests, test scores, responses to test items and questionnaires, interview data, and special ratings of employees obtained in test validation and other research.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S. Code Sec. 3301, Sec. 1303.

PURPOSE(S):

This system is established for certain research projects such as those that involve longitudinal studies. Research data are collected on a project by project basis, and are used for the construction, analysis and validation of tests, for research on personnel measurement and selection methods and techniques such as performance evaluation or productivity. Many data

are collected under conditions assuring their confidentiality. Personal information in this system of records is used by the Performance Management Branch in its research activities. Merit Promotion Test and Assessment Center Systems are established to be used as factors weighted under SSA Merit Promotion Programs.

These records also may be used as a data source for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

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

Disclosure may be made for routine uses as indicated below:

1. To the Office of Personnel Management for personnel research purposes.
2. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
3. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee.

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in file folders, on punched cards, microfiche, computer tape, and in computer storage.

RETRIEVABILITY:

Records are retrieved by one or more of the following: region or headquarters, name, Social Security number, date of participation, and type of test or assessment center.

SAFEGUARDS:

System security for automated records have been established in accordance with the HHS Automated Data Processing Manual, "Part 6, ADP System Security." This includes maintaining the records in secured areas attended by security guards. Anyone entering or leaving the areas must have a special badge issued only to authorized personnel. Access to the records is limited to personnel who have a need for them in the performance of their official duties. Manual records are maintained in locked files or rooms. Also, all SSA employees periodically are briefed on Privacy Act requirements and SSA confidentiality rules, including the criminal sanctions for unauthorized disclosure of or access to personal records. (See Appendix J to this publication for additional information the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Test answer sheets are retained for 1 year and then destroyed by burning. All other covered records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Human Resources, Office of Management, Budget and Personnel, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by writing to the system manager at the address above and providing the name of this system, his/her name, identifier where required (e.g., Social Security number), and place of SSA employment or former employment. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.)

These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requestors should reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requestor should reasonably identify the records, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from individual SSA employees, their supervisors, assessment center assessors or SSA personnel files and records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the provisions of 5 U.S.C. 552a, subsection (k)(6), which provides for exempting "testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process," we exempt from disclosure SSA merit promotion tests, test item files, answer keys, completed answer sheets, transmutation tables and schedules, and ratings given for the purpose of validating tests.

09-60-0031

SYSTEM NAME:

Employee Production and Accuracy Records, HHS/SSA/OMBP.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Operating offices of the Social Security Administration (SSA) at the organizational level of the individual's employment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of SSA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Work measurement records with the following items: employee name; grade; organization unit and shift; Social Security number; clerk number; supervisor's name; production data (monthly, weekly, daily) and accuracy data; backlog information; error ratio; processing time data; operating and production control codes; and leave usage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

Information in this system of records is used by SSA management for manpower planning and production control (to identify backlogs, and systems and procedure problems, manpower utilization, budget estimations, appraisal of employees).

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the appropriate Federal, State, or local agency charged with the responsibility of investigating or prosecuting a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule, or order issued pursuant thereto, if this system of records indicates that a violation may have occurred.

4. To the Department of Justice to obtain its advice if HHS/SSA deems it desirable or necessary in determining whether particular records from this system are required to be disclosed under the Freedom of Information Act.

5. To Federal agencies who have the power to subpoena other Federal agencies' records upon receipt of a subpoena to HHS/SSA.

6. Where a contract between HHS/SSA and a labor organization recognized under Executive Order 11491 provides that HHS/SSA will disclose personal records relevant to the organization's mission.

7. Where the appropriate official of HHS/SSA pursuant to the Department's Freedom of Information Regulation, determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure.

8. To a contractor for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system

when HHS/SSA contracts with a private firm.

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

STORAGE:

Records are maintained on paper forms, punch cards and magnetic tapes.

RETRIEVABILITY:

Records are indexed and retrieved alphabetically by name and numerically by Social Security number or clerk number.

SAFEGUARDS:

System security for automated records have been established in accordance with the HHS Automated Data Processing Manual, "Part 6, ADP System Security." This includes maintaining the records in secured areas attended by security guards. Safeguards also include the use of a lock/unlock password system; exclusive use of leased telephone lines; a terminal oriented transaction matrix, and an audit trail. Access to records in this system is limited to authorized personnel who have a need for them in the performance of their official duties. All employees are briefed periodically on Privacy Act requirements and SSA confidentiality rules, including the criminal sanctions for unauthorized disclosure of or access to personal records. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Records are kept for 2 years and destroyed. Paper records are disposed of by either burning or shredding. Magnetic tape records are erased when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Management, Budget, and Personnel, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by contacting his/her immediate supervisor and providing information necessary to identify the record being sought (e.g., name and Social Security number). (Furnishing the Social Security number is voluntary, but is will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the records contents they are seeking. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records are obtained from employees or their supervisors, control personnel or timekeepers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0032

SYSTEM NAME:

Employee Indebtedness Counseling system, HHS/SSA/OMB.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Management, Budget and Personnel, Office of Human Resources, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Social Security Administration (SSA) headquarters who request services or employees about whom SSA receives written inquiries because of employees' alleged delinquency in paying taxes and just debts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system consist of the employee's name, Social Security number, telephone extension, office, branch, grade and area of service; nature of request, including personal information as to finances that the employee voluntarily provides; disposition, including employee's stated intentions; record of letters or tax forms sent as replies and referrals made to community organizations; copies of letters from employees to consumer agencies; letters from creditors or their representatives and copies of our replies and copies of tax levies against employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Department of Health and Human Services (HHS) Federal Personnel Manual, 735-4-10.B1.

PURPOSE(S):

Files in this system are used by staff members of the Employee Services and Awards Branch for work processing, perspective in counseling and possible disciplinary action (Division of Personnel Operations) when indicated.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in paper form (e.g., individual file folders).

RETRIEVABILITY:

Records are indexed and retrieved alphabetically by name.

SAFEGUARDS:

Files are maintained in locked steel file cabinets. Access to the files is limited to authorized employees who have a need for them in the performance of their official duties. Also, all employees periodically are briefed on Privacy Act requirements and SSA confidentiality rules, including the criminal sanctions for unauthorized disclosure of or access to personal records. (See Appendix J of this

publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Routine cases are destroyed by shredding after 1 year. Tax review cases are maintained indefinitely. Ongoing cases in which there is indepth counseling may be maintained up to 3 years from date of last contact.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Human Resources, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by writing to the following address: Director, Division of Personnel Operations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

When requesting notification, the individual should provide his/her name. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contested and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information is obtained from employee, creditors, the Internal Revenue Service, State Tax Division of various States, and from records generated internally in SSA (e.g. Computer Printout 7887 Part I "Locator" used to find telephone extension of employees).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0033

SYSTEM NAME:

Requests for Review of Proposed Contracts with Experts and Consultants, HHS/SSA/OMB.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Management, Budget, and Personnel, Office of Human Resources, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals for whom personal service contracts are proposed.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information which is relative to determining whether services should be obtained by the appointment or procurement method. The records may contain the individual's name, education background, work experience, general qualifications, Social Security number and date of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3109.

PURPOSE(S):

Information in this system is used by General Accounting Office auditors with requested information concerning the reasons for recommendations made.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employees;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in paper form.

RETRIEVABILITY:

The records in this system are indexed and retrieved alphabetically by name.

SAFEGUARDS:

Records are maintained in lockable file cabinets. Also, employees periodically are briefed on Privacy Act requirements and Social Security Administration confidentiality rules, including the criminal sanctions for authorized disclosures of or access person records. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Human Resources, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the following address: Director, Division of Personnel Policy, Data, and Research, 6401 Security Boulevard, Baltimore, Maryland 21235.

When requesting notification of or access to records in this system, the individual should provide his/her name, Social Security number, date of contract and name of the SSA component for whom the contract was performed. Those procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information is furnished by the individual and the Social Security

Administration component requesting the contract.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0037

SYSTEM NAME:

General Criminal Investigations Files, HHS/SSA/OMB.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Management, Budget and Personnel, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Suspected and reported violators of Federal and State criminal laws on Social Security Administration (SSA) property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative efforts to resolve reported crimes and evidence obtained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 535 of Title 28, United States Code.

PURPOSE(S):

Information in this system is used to provide an official record of details of investigative efforts for use in administrative and/or criminal proceedings.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) the Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) the United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the

Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the appropriate Federal, State, or local agency charged with the responsibility of investigating or prosecuting a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule, or order issued pursuant thereto, if this system of records indicates that a violation may have occurred.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESS, DISPOSING, AND RETAINING RECORDS IN THE SYSTEM:

STORAGE:

The records are stored in heavy-weight Kraft files.

RETRIEVABILITY:

Files in this system are indexed and retrieved alphabetically by name.

SAFEGUARDS:

Access to files is limited to Protective Security Section employees only. The files are maintained in fireproof, locked, steel cabinets. Also, employees periodically are briefed on Privacy Act requirements and SSA confidentiality rules, including the criminal sanctions for unauthorized disclosure of or access to personal records. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Files in this system are destroyed by shredding 3 years after final action.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Protective Security Branch, Office of Management, Budget and Personnel, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by writing to the System Manager at the above address. The request should contain his or her full name, date of birth and work location in SSA. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Per 5 U.S.C. 552a(k)(2), the records in this system generally are exempt from access by the individual named in the records. However, access will be granted to information which is a matter of public record or documents furnished

by the individual. Also, requestors should reasonably specify the record contents they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requestors should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in this system is derived from interviews of persons believed knowledgeable about crimes under investigation who furnish relevant facts which can serve to identify possible violators and secure the conviction of the guilty.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemption of this system to the access provisions is claimed under section (k)(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for law enforcement in anticipation of criminal proceeding. (See page 47413 of Federal Register of 8/8/75, Vol. 40, No. 196, Part V).

09-60-0038

SYSTEM NAME:

Employee Identification Card Files, HHS/SSA-OMB.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Management, Budget and Personnel, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Social Security employees and non-Social Security employees who require continuous access to buildings; (e.g. employees of vendors and contractors).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relative to issuance of identification cards (e.g., name, Social Security number, office location, office telephone number, color code for type of pass and agency or firm name).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property Management Regulations, 41 CFR 101-20.302—Admission to Property.

PURPOSE(S):

Employee identification cards are used and required for admission to Social Security buildings. The file of application forms verify issue of an identification card to an employee and verify prior issuance in the event of loss or theft of the card.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To the Department of Justice in the event of litigation where the defendant is:
 - (a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;
 - (b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or
 - (c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Information is maintained on paper forms.

RETRIEVABILITY:

Records are indexed and retrieved alphabetically by name.

SAFEGUARDS:

The records are stored in locked files. Access to the records is limited to those employees who have a need for them in

the Performance of their official duties. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal records.)

RETENTION AND DISPOSAL:

The information provided on forms is retained for the length of service of the individual and then destroyed by shredding; picture passes, once surrendered, also are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Protective Service Branch, Office of Management, Budget and Personnel, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by contacting the following address: Chief, Employee Services Section, Office of Management, Budget and Personnel, 6401 Security Boulevard, Baltimore, Maryland 21235.

When requesting notification of or access to records in this system, the individual should provide his/her full name, date of birth and work location with SSA. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in these files is received from the Division of Personnel and Training Operations, individual employees, contractors and vendors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0040

SYSTEM NAME:

Quality Review System, HHS/SSA/OA.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

- Randomly selected applicants for and/or beneficiaries of:
- a. Supplemental Security Income (SSI) payments under title XVI of the Social Security Act. Records of some SSI beneficiaries may have been transferred from State welfare rolls for aid to the aged, blind, and disabled.
 - b. Retirement, Survivors, and Disability insurance benefits under title II of the Social Security Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

- a. Supplemental Security Income Quality Review: Quality Review Data Base, selected casefile, contingency sample master file, quality assurance universe file, designated case file, designated case transmission file, designated case extract file, and sample control list. These records may contain: Social Security number, State and county of residence, type of claim, information regarding federally administered supplementation payments, Social Security claims numbers, living arrangements and family composition, income and medical information, sex, race, resources, third party contacts, and indications of processing errors.
- b. Retirement and Survivors Insurance and Disability Insurance Quality Review: These records contain information regarding Federal payments and other information listed in (a) above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a), 1631(d), and 1631(e) of the Social Security Act.

PURPOSE(S):

The Quality Review Data Base is used for accumulating and tabulating data to determine the accuracy of the entitlement status of applicants/beneficiaries and of benefit amounts paid under the Retirement and Survivors Insurance program and the Disability Insurance program, and the eligibility status of applicants/beneficiaries and of benefit amounts paid under the Supplemental Security Income program. Title XVI data also are used to calculate Federal fiscal liability case and gross dollar error rates for State supplementation funds administered by

SSA. Other categories of records provide data necessary to complete the data base and to provide information to SA's Field Assessment Office Divisions of Payment and Eligibility Quality and Field and Satellite Offices so that they may review cases to obtain information on the general level of accuracy of the entire beneficiary rolls in the programs noted previously.

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

With respect to SSI data, disclosure may be made as indicated below:

1. To the appropriate Federal agency charged with the responsibility for investigating or prosecuting a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, if this system of records indicates that a violation may have occurred.

2. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

3. To a contractor for the purpose of collating, evaluating, analyzing, aggregating or otherwise refining records in this system when HHS, Social Security Administration contracts with a private firm. (The contractor shall be required to maintain Privacy Act safeguards with respect to such records.)

4. In the course of employee discipline or competence determination proceedings.

5. To members of the community and local, State, and Federal agencies in order to locate the individual (when his or her whereabouts are unknown), to establish the validity of evidence or to verify the accuracy of information presented by the applicant/beneficiary, representative payee, legal guardian or other representative of the applicant/beneficiary.

6. To State Welfare Departments pursuant to agreements with the Social Security Administration for the Federal administration of State supplementation payments.

7. To State agencies for administration of the Medicaid Quality Control system.

8. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

9. Where Federal agencies having the power to subpoena other Federal

agencies' records, issue a subpoena to HHS or the Social Security Administration SSA will make such records available.

With respect to title II data, routine disclosure is made only as indicated in items 1, 2, 3, 4, 5, 8, and 9.

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

STORAGE:

Records are stored in magnetic media (e.g., magnetic tape and disks).

RETRIEVABILITY:

Records are indexed and retrieved by any set of record characteristics; e.g., Social Security number, or name.

SAFEGUARDS:

System security has been established for the records in accordance with the HHS Automated Data Processing Manual, "Part 6, ADP System Security." Tapes are stored in tape vault in the Division of Data Processing Operations, Office of Systems Operations, or in protected storage racks, disks in protected storage racks. The entire area is secured by guarded entrances, with admission limited to authorized personnel. (See Appendix J to this publication for additional information relating to safeguards the Social Security employs to protect personal information.)

RETENTION AND DISPOSAL:

The Quality Review data base is retained indefinitely. Tape records are erased after 30-500 days.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Payment and Eligibility Quality, Office of Assessment, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the following address: Director, Division of Quality Review Policy and Sample Control, Division of Payment and Eligibility Quality, Office of Assessment, 6401 Security Boulevard, Baltimore, Maryland 21235.

When requesting notification of or access to records, the individual should provide his/her name and Social Security number. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESSING PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion.

These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in the Social Security Administration Quality Review System is furnished by applicants for and beneficiaries of the Retirement and Survivors Insurance program, the Disability Insurance program, and the Supplemental Security Income program, representative payees of such individuals (where appropriate), Social Security Administration offices, other Federal and State agencies, and private sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0042

SYSTEM NAME:

Quality Review Casefile, HHS/SSA/OA.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Assessment, Office of Payment and Eligibility Quality, 6401 Security Boulevard, Baltimore, Maryland 21235

Field (10) and Satellite (27) Offices (See Appendices L.1 and L.2 for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Randomly selected applicants for and/or beneficiaries of:

- a. Supplemental Security Income (SSI) payments under title XVI of the Social Security Act. Records of some SSI beneficiaries may have been transferred from State welfare rolls for Aid to the Aged, Blind, and Disabled.
- b. Retirement, Survivors, and Disability Insurance benefits under title II of the Social Security Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Quality Review Casefile contains information from Social Security Administration records and information obtained by Quality Review Specialists from Retirement and Survivors Insurance, Disability Insurance and SSI applicants and or beneficiaries and from third party sources. These casefiles may contain information relating to any combination of these three programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a), 1631(d)(1) and 1631(e)(1)(B) of the Social Security Act.

PURPOSE(S):

Both title II and title XVI Quality Review Casefiles are used for accumulating data concerning the eligibility or entitlement of applicants/beneficiaries and of benefit amounts paid under the retirement, survivors, and disability insurance programs, and the supplemental security income program. Casefiles also provide data necessary to complete the Quality Review Data Base and to provide information to the Social Security Administration's Field Assessment Office Divisions of Payment and Eligibility Quality Field and Satellite Offices needed to review cases in order to obtain information on the general level of accuracy of the entire beneficiary rolls in the programs noted previously.

Data obtained from title XVI Quality Review Casefiles also are used to calculate the Federal fiscal liability case and gross dollar error rates for State supplementation funds administered by SSA.

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

With respect to SSI data, disclosure may be made as indicated below:

1. To the appropriate Federal agency charged with the responsibility for

investigating or prosecuting a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, if this system of records indicates that a violation may have occurred.

2. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

3. To a contractor for the purpose of collating, evaluating, analysing, aggregating or otherwise refining records in this system when HHS, Social Security Administration contracts with a private firm. (The contractor shall be required to maintain Privacy Act safeguards with respect to such records.)

4. In the course of employee discipline or competence determination proceedings.

5. To members of the community and local, State, and Federal agencies in order to locate the individual (when his or her whereabouts are unknown), to establish the validity of evidence or to verify the accuracy of information presented by the applicant/beneficiary, representative payee, legal guardian or other representative of the applicant/beneficiary.

6. To State Welfare Departments pursuant to agreements with the Social Security Administration for the Federal administration of State supplementation payments.

7. State agencies for administration of the Medicaid Quality Control System.

8. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

9. Where Federal agencies having the power to subpoena other Federal agencies' records, issue a subpoena to HHS or the Social Security Administration, SSA will make such records available.

With respect to title II data, routine disclosure is made only as indicated in items 1, 2, 3, 4, 5, 8, 9, and 10.

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

STORAGE:

Records are maintained in paper form (e.g., paper forms in manila folders).

RETRIEVABILITY:

The Quality Review Casefiles are retrieved by use of the Social Security

number. Retrieval will be speedier if the individual's State of residence, program under which benefits were received and/or applied for, and sample selection month are supplied.

SAFEGUARDS:

With respect to title XVI, Quality Review Casefiles are stored in the Field Assessment Satellite Offices that have jurisdictional responsibility for review of the selected sample cases. With respect to title II, Quality Review Casefiles are stored in the Field Assessment Office Divisions of Payment and Eligibility Quality, Field Offices and, where appropriate, in the Satellite Field Assessment Offices that have jurisdictional responsibility for review of the selected sample cases. All Quality Review Casefiles are stored either in locked cabinets and or locked rooms in space serviced by GSA guards. Access is limited to SSA employees with responsibility for reviewing and maintaining such casefiles and, in the case of SSI Quality Review Casefiles, to State Medicaid Quality Control employees pursuant to item 7 above. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration applies to protect personal records.)

RETENTION AND DISPOSAL:

- a. Titles XVI Quality Review Casefile are retained for 18 months after the close of the 6-month period for which the cases were selected for quality review or until 36 months after fiscal settlement (Federal fiscal liability situation) for the sample period for which the individual case was selected is reached between SSA and the individual States, whichever is later.

- b. Title II Quality Review Casefiles are retained for 18 months after the close of the 6 month sample period for which the cases were selected for review.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Payment and Eligibility Quality, Office of Assessment, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the Field Assessment Officer at the respective Filed Assessment Office (see Appendix L.1 for address information). When requesting notification of or access to records, the individual should provide his/her name, Social Security number, State or residence and type of claim filed (e.g.,

Retirement, Survivor's or Disability Insurance). (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of or access to minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion.

These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in the Quality Review Casefile is furnished by applicant/beneficiaries under the Retirement and Survivors Insurance program, the Disability Insurance program, and the Supplemental Security Income program, representatives of such individuals (where appropriate), Social Security Administration offices, and other Federal, State, and local agencies, and from private sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0044

SYSTEM NAME:

Disability Determination Service Processing File, HHS/SSA/ODP.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Each Disability Determination Services (DDS's) office (see Appendix B.2 for the name and address for each State DDS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants for Disability Insurance and Black Lung benefits, and Supplemental Security Income payments alleging a disability for whom the Disability Determination Service processes claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and Social Security number of wage earner, claimant's name and address, date of birth, diagnosis, beginning and ending dates of disability, basis for determination, work history information, educational level, reexamination date (if applicable), date of application, names and titles of persons making or reviewing the determination and certain administrative data. Also included could be data relative to the location of the file and the status of the claim, copies of medical reports, and data relating to the evaluation and measurement of the effectiveness of claims policies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 30 U.S.C. 923(b), and Sections 221, 1633, and 1634 of the Social Security Act.

PURPOSE(S):

The records are used primarily for the processing of disability and black lung claims for detection and correction of deficiencies and problems involved in this processing, and for case control purposes.

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

Disclosure may be for routine uses as indicated below:

1. To State Vocational Rehabilitation agencies or State crippled children's service agencies (or agencies providing services to disabled children) for the consideration of rehabilitation services per sections 222 and 1615 of the Social Security Act.
2. To State audit agencies utilizing this information for verifying proper expenditure of Federal funds by the State in support of the Disability Determination Service (DDS).
3. To the Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits, or verifying other information with respect thereto.

4. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

5. In response to legal process of interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

6. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in paper form, on magnetic tape or disk packs. The method of storage may vary from State to State.

RETRIEVABILITY:

The records are filed by a combination of name and Social Security number depending on the Disability Determination Services' preference.

SAFEGUARDS:

Automated records are maintained in accordance with HHS Automated Data Processing Manual, "Part 6, ADP System Security." The records are accessible only to Disability Determination Service personnel and subject to the restrictions on disclosures under 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, and 42 U.S.C. 1306. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration applies to protect personal information.

RETENTION AND DISPOSAL:

May vary from State to State according to the preference, but generally each State destroys its files

over a period varying from 6 months to 36 months unless held in an inactive storage under security measures for a longer period.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Disability Programs, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by providing his/her name and Social Security number to the Disability Determination Service Administrator, Disability Determination Services, C/O State in which he or she resides and/or information is likely to be maintained. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) (See Appendix B.2 for address information.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

An individual who requests notification of, or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's discretion. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The information to support factors of entitlement and/or continuing eligibility originates from claimants or those acting on their behalf, physicians, hospitals, and other appropriate sources. Also, information is received from control

data that monitors the location and status of the claim.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0045

SYSTEM NAME:

Black Lung Payment System, HHS/SSA/OURV.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Black Lung beneficiaries currently entitled to receive a Black Lung benefit and beneficiaries terminated because of a termination event as defined in the Federal Coal Mine Health and Safety Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of two files, a Payment Master Record and a Benefit Master Record which are matched once a month.

The Payment Master Record reflects the Social Security number and the payment identification code under which Black Lung benefits are awarded and payment data such as the monthly payment amount; the scheduled payment amount; offset information; the number of beneficiaries on the account as well as the number of beneficiaries in the payment; the month of accrual; the month of debit; credit information; future month of adjustment diary dates; cross-reference information; payee name and address information, direct deposit data, and statistical information.

The Benefit Master Record contains a benefit record for each beneficiary on the account and includes the Social Security number; the payment and benefit identification codes; the payment status; the monthly benefit amount; the beneficiary's name; type of benefit; date of birth; race; sex; offset information; credit information; date of filing; date of entitlement; representative payee information, and statistical information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 413 and 415 of Part IV of the Federal Coal Mine Health and Safety Act (Black Lung).

PURPOSE(S):

The data on the Black Lung Master Records is used by Social Security employees for responding to inquiries; computer exception processing; conversion of benefits; end of the month reconciliations; statistical studies; to generate payment tapes for Treasury; and for exchange with the Department of Labor to administering provisions of the Title IV of the Black Lung Act.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his/her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his/her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to Justice to enable that department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry from that individual or from a third party on his/her behalf.

4. Upon request, information on the identity and location of aliens may be disclosed to the Department of Justice (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating, and where appropriate, taking legal action against suspected Nazi war criminals in the United States.

5. To third party contacts (including private collection agencies under contract with the Social Security Administration (SAA)) for the purpose of their assisting SSA in recovering overpayments.

6. To the Department of the Treasury to issue Black Lung checks.

7. To the Department of Labor for administering provisions of Title IV of

the Federal Coal Mine Health and Safety Act.

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

STORAGE:

Records are stored in magnetic media (e.g., magnetic tape) and in paper form.

RETRIEVABILITY:

Records in this system are retrieved by Social Security number.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the HHS Automated Data Processing Manual, "Part 6, ADP System Security." This includes storing the records in secured areas with armed security guards. Anyone entering or leaving the areas must have a special badge issued only to authorized personnel. The records are available to employees only in the performance of their official duties. Paper records are maintained in areas with limited access and offices are locked after business hours. All employees of SSA are periodically briefed on Privacy Act requirements and SSA confidentiality rules, including the criminal sanctions for unauthorized disclosure of or access to personal records. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Magnetic tape records are retained for up to 90 days after which they are erased and returned to stock. Paper records are destroyed by shredding after use or disposed of through contractual arrangements with trash collectors. Paper records needed for documentation of the claims folder are retained indefinitely in SSA facilities or in Federal Records Centers.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirement and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by contacting the system manager at the address shown above and providing his/her name, Social Security number, approximate date and place claim was filed, type of claim and return address. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in

accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures above. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in this system is prepared from Black Lung claims folder which are maintained in the system of records 09-60-0089—Claims Folders System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0046

SYSTEM NAME:

Consultative Physician's File, HHS/SSA/ODP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices of the Disability Determination Services (DDS) of each State that may currently maintain this type of file. (See Appendix B.2 for the name and address of each DDS.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians who have expressed a willingness to conduct consultative examinations for the DDS and, in some instances, other physicians with whom the DDS has contact. The latter are usually treating physicians.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relative to a physician's specialty, past experience with him as to the promptness with which he submits reports, general thoroughness of his reports, etc., as well as perhaps comments on the physician's own preferences (such as appointment hours, etc.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 30 U.S.C. 923(b), and Sections 221, 1633, and 1634 of the Social Security Act.

PURPOSE(S):

DDS personnel use this information in the selection of a physician when additional medical evidence is ended for claims under titles II and XVI of the Social Security Act or title IV of the Federal Coal Mine Health and Safety Act.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from the office made at the request of the subject of a record.
2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Each DDS maintains its own records and the method of storage may vary from State to State. Generally, the information is on a file card maintained in a standard card file cabinet.

RETRIEVABILITY:

Records are retrieved alphabetically by physician's surname.

SAFEGUARDS:

Only authorized Disability Determination Services personnel have access to these records. Personal information other than the name of the physician is subject to the disclosure restrictions of 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, and 42 U.S.C. 1306. See

Appendix J to this publication for additional information relating to safeguards the Social Security Administration applies to protect personal information.

RETENTION AND DISPOSAL:

Disability Determination Services policy as to retention and disposal varies from State to State, but generally, the file is destroyed upon death, retirement, or relocation of the physician.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Disability Programs, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by providing name and address to the Disability Determination Services Administrator, Disability Determination Services, C/O the State in which he or she resides and/or information is likely to be maintained (See Appendix B.3 for address information). These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters also should reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters also should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Most information is obtained directly from the physician. Observations of Disability Determination Services personnel about the physician, such as a doctor's general promptness in filing reports, may occasionally be found in a physician's file.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0047

SYSTEM NAME:

Critical Case Processing Time, HHS/SSA/OOPP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of System Operation, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Social Security Disability beneficiaries or claimants whose application for disability benefits is pending.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security numbers of claimants and dates requests were received and processed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 221 of the Social Security Act.

PURPOSES(S):

Records in this system are used to prepare monthly processing time reports.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from the office made at the request of the subject of a record.
2. To the Internal Revenue Service, Treasury Department, as necessary for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

STORAGE:

The records are stored in magnetic media (e.g., magnetic tapes).

RETRIEVABILITY:

The records are retrieved by use of the Social Security number.

SAFEGUARDS:

Safeguards for the records have been established in accordance with the Department of Health and Human Services Automated Data Processing Manual, "Part 6, ADP System Security." Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc. (See Appendix J to this publication for additional information relating to safeguards the Social Security

Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The records are maintained until a determination decision is made, at which time the tape records are erased.

SYSTEM MANAGER(S) AND ADDRESS:

SSA Privacy Officer, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by contacting the system manager at the address shown above and furnishing his or her name, Social Security number, approximate date and place claim was filed, type of claim (Disability Black Lung, of Supplemental Security Income), and return address. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records are prepared from control sheets showing date of requests, date request was processed and type of request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0050

SYSTEM NAME:

Completed Determination Record—Continuing Disability Determinations, HHS/SSA/OOPP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of System Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Allowed disability claimants on which a continuing issue has occurred and a decision of continuance or cessation has been approved.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and Social Security number of the individual and other data such as date of birth, district office and state agency code, date disability began, type of claim, reasons for reopening, continuance or cessation code, date of termination (if applicable), date of completion, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 221 of the Social Security Act.

PURPOSE(S):

This system is used to record the result of continuing disability investigations.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from the office made at the request of the subject of a record.

2. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with the safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Records are maintained in magnetic media (e.g., magnetic tapes).

RETRIEVABILITY:

The records are retrieved by use of the Social Security number.

SAFEGUARDS:

Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards, and photographs, etc. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

SSA Privacy Officer, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by contacting the system manager at the address shown above and furnishing his or her name, Social Security number, approximate date and place claim was filed, type of claim (Disability, Black Lung, or Supplemental Security Income), and return address. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking.

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

These records summarize information contained in the claims folder which was obtained from the individual or someone acting on the individual's behalf and from this individual's physician, or a physician performing a consultative examination or from hospitals and other treatment sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0052

SYSTEM NAME:

Disposition of Vocational Rehabilitation Report to Social Security Administration, HHS/SSA/ODP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Disability beneficiaries accepted for vocational rehabilitation services under the reimbursement provisions and now reported as closed (no longer receiving service).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system consist of the name and Social Security number of the disabled beneficiary, date of birth, and other information such as the closure status and date, medical improvement status, work status, date work began, and average weekly wage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 222 and 1615 of the Social Security Act.

PURPOSE(S):

This system serves as a source for statistical and accounting data about beneficiaries involved in the vocational rehabilitation reimbursement program.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from the office made at the request of the subject of a record.

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

The records are stored in magnetic media (e.g., magnetic tapes).

RETRIEVABILITY:

The records are retrieved by use of the Social Security number.

SAFEGUARDS:

Safeguards for the records have been established in accordance with the Department of Health and Human

Services Automated Data Processing Manual, "Part 6, ADP System Security." Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, identity cards and photographs, etc. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Disability Programs, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by contacting the system manager at the address shown above and furnishing his or her name, Social Security number, approximate date and place claim was filed, type of claim (Disability, or Supplemental Security Income), and return address. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The data is extracted from vocational rehabilitation reports submitted to the Social Security Administration by State offices of vocational rehabilitation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0053

SYSTEM NAME:

Reimbursement from Trust Fund for Vocational Rehabilitation Services, HHS/SSA/ODP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Disabled beneficiaries referred and undergoing consideration for vocational rehabilitation services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system consist of the name and Social Security number of the beneficiary, information relating to the costs of vocational rehabilitation services to be reimbursed from Social Security trust or general funds providing a beneficiary status exists, vocational rehabilitations State and district office code, type of claim, amount of benefit (at time of referral), date of request for status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 222 and 1615 of the Social Security Act.

PURPOSE(S):

This record serves as a control and monitor of vocational rehabilitation referred activity in the Disability Insurance program in order to validate the use of trust funds and general funds expended for services rendered.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from the office made at the request of the subject of a record.

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

STORAGE:

Records are stored in magnetic media (e.g., magnetic tapes).

RETRIEVABILITY:

Records are indexed and retrieved by use of the Social Security number.

SAFEGUARDS:

System security has been established for the records in accordance with the Department of Health and Human Services' Automated Data Processing Manual, "Part 6, ADP System Security." Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards,

identity cards and photographs, etc. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Records are destroyed upon notification of closure from the State agency or upon expiration of 5 years from date record was created, whichever occurs first.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Disability Programs, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by contacting the system manager at the address shown above and furnishing his or her name, Social Security number, approximate date and place claim was filed, type of claim (Disability, Black Lung, or Supplemental Security Income), and return address. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The basic record is prepared as the result of a written or teletyped request for benefit status from the State agency. Additional information is secured from the Master Beneficiary Record (09-60-0090) and the Supplementary Security Income Record (09-60-0103) systems of records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0056

SYSTEM NAME:

Vocational Rehabilitation Savings Calculation, HHS/SSA/ODP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Disability beneficiaries reported by State vocational rehabilitation agencies as no longer receiving vocational rehabilitation service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system consist of the name and Social Security number of the beneficiary and identifying information about the notice of disclosure, the date of termination or reduction in benefits, if any, amount of benefit, amount of savings and other miscellaneous data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 222 and 1615 of the Social Security Act.

PURPOSE(S):

This record serves primarily as a source for furnishing statistical and benefit information on the vocational rehabilitation reimbursement program.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from the office made at the request of the subject of a record.

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

Records in this system are stored in magnetic media (e.g., magnetic tapes).

RETRIEVABILITY:

Records are indexed and retrieved by use of the Social Security number.

SAFEGUARDS:

System security has been established for this system in accordance with the Department of Health and Human Services' Automated Data Processing Manual, "Part 6, ADP System Security." Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent

security measures involving guards, identity cards and photographs, etc. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Tapes are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Disability Programs, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by contacting the system manager at the address shown above and furnishing his or her name, Social Security number, approximate date and place claim was filed, type of claim (Disability Insurance or Supplemental Security Income), and return address. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The information is extracted and compiled from the vocational rehabilitation closure report, and the Earnings Recording and Self-Employment Income System (09-60-0059), Master Beneficiary Record (09-60-0090), and Supplemental Security Income Record (09-60-0103) systems of records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0057

SYSTEM NAME:

Quality Evaluation Data Records, HHS/SSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Assessment, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each individual who has filed an application for Social Security Disability Insurance benefits and/or Supplementary Security Income disability payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system consists of the claimant's name and Social Security numbers; and demographic, diagnostic, and other types of data generated as a result of a review of the State actions on the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 221 of the Social Security Act.

PURPOSE(S):

This system is used for the purpose of assisting in the assessment of the quality of disability determinations made by State Disability Determination Services. Records are used to report monthly results of the review of the State disability determination progress.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from the office made at the request of the subject of a record.

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

Records are maintained in paper form and in magnetic media (e.g., magnetic tape and disk).

RETRIEVABILITY:

The records are indexed and retrieved by use of the Social Security number.

SAFEGUARDS:

Paper records are kept in secured physical areas. Safeguards for automated records have been established in accordance with the Department of Health and Human Services Automated Data Processing Manual, "Part 6, ADP System Security." This includes maintaining automated records in an enclosure attended by security guards. Data is transmitted from Field Assessment Offices and

headquarters to Computer Sciences Corporation (CSC) time sharing computer facilities, and return, over leased lines provided through CSC. Internal computer security is safeguarded by account numbers, access codes, passwords and edit checks. These assure that only authorized access to the computer system is permitted, that the particular data requested from the system can be released to the requester, and that control is maintained over the locations to which systems data may be sent. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal records.)

RETENTION AND DISPOSAL:

The records are maintained for a period of 48 months. Paper records are disposed of by shredding; tape and disc records are destroyed magnetically.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Disability Program Quality, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by writing to the system manager at the address shown above and furnishing name, Social Security number, approximate date and place claim was filed, type of claim (Disability or Supplemental Security Income), and address. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.)

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are

accessing. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records are prepared from Form SSA 3094 and show decision, diagnosis and other information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0058

SYSTEM NAME:

Master Files of Social Security Number Holders, HHS/SSA/OEER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235
Social Security Administration, Office of Central Operations, Office of Central Records Operations, Metro West Building, 300 N. Greene Street, Baltimore, Maryland 21203
and

Social Security Administration, Office of Systems Requirements, Office of Enumeration and Earnings Records, 6401 Security Boulevard, Baltimore, Maryland 21235

Records also may maintained at contractor sites (contact the system manager at the address below to obtain contract addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains a record of each individual who has applied for and/or obtained a Social Security number.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains all of the information received on original applications for Social Security numbers (e.g., name, date and place of birth, both parents names, and race/ethnic data) and any changes in the information on the applications that are submitted by the Social Security number holder. Cross-reference may be noted where multiple numbers have been issued to

the same individual; and indication that a benefit claim has been made under this Social Security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a) and 205(c)(2) of the Social Security Act.

PURPOSE(S):

Information in this system is used by the Social Security Administration (SSA) primarily to assign Social Security numbers. The information also is used for a number of administrative purposes such as:

By SSA components for various title II, XVI and XVIII claims purposes including usage of the social security number itself as a case control number and a secondary beneficiary cross-reference control number for enforcement purposes and use of the Social Security Number record data for verification of claimant identity factors and for other claims purposes related to establishing benefits entitlement;

By SSA as a basic control for retained earnings information;

By SSA as a basic control and data source to prevent issuance of multiple Social Security Numbers;

As the means to identify incorrectly reported names of Social Security Numbers on earnings reports;

For resolution of earnings discrepancy cases;

For statistical studies;

By the Department of Health and Human Services (HHS) Audit Agency for auditing benefit payments under Social Security programs;

By the HHS Office of Child Support Enforcement for locating deserting parents;

By the National Institute of Occupational Safety and Health for epidemiological research studies required by the Occupational Health and Safety Act of 1974;

By the SSA Office of Refugee Resettlement for administering Cuban refugee assistance payments; and

By the HHS Health Care Finance Administration for administering title XVIII claims.

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

Disclosure may be made for routine uses as indicated below:

1. Employers are notified of the Social Security number of an employee in order to complete their records for reporting FICA to the Social Security Administration pursuant to the Federal Insurance Contributions Act and Section 218 of the Social Security Act.

2. To State welfare agencies, upon written request, of the Social Security numbers of AFDC applicants or recipients.

3. To the Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.

4. To the Department of Justice (Immigration and Naturalization Service) for the identification and location of aliens in the United States pursuant to requests received under section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)).

5. To a contractor for the purpose of collating, evaluating, analyzing, aggregating or otherwise refining records when the Social Security Administration contracts with a private firm. (The contractor shall be required to maintain Privacy Act safeguards with respect to such records.)

6. To the Railroad Retirement Board for:

(a) Administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment; and

(b) Administering the Railroad Unemployment Insurance Act.

7. To the Department of Energy for their study of the long-term effects of low-level radiation exposure.

8. To the Department of the Treasury for:

(a) Tax administration as defined in 26 U.S.C. 6103 of the Internal Revenue Code; and

(b) Investigating the alleged theft, forgery, or unlawful negotiation of Social Security checks.

9. To a congressional office in response to an inquiry from the office made at the request of the subject of a record.

10. To the Department of State for administering the Social Security Act in foreign countries through facilities and services of that agency.

11. To the American Institute on Taiwan for administering the Social Security Act on Taiwan through facilities and services of that agency.

12. To the Veterans Administration, Philippines Regional Office, for administering the Social Security Act in the Philippines through facilities and services of that agency.

13. To the Department of Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands through facilities and services of that agency.

14. To the Department of Labor for:
(a) Administering provisions of title IV of the Federal Coal Mine Health and Safety Act; and

(b) Conducting studies of the effectiveness of training programs to combat poverty.

15. To the Veterans Administration for the following purposes:

(a) For the purpose of validating of Social Security numbers of compensation/pensioners in order to provide the release of accurate pension/compensation data by the Veterans Administration to SSA for Social Security program purposes.

(b) Upon request, for purposes of determining eligibility for or amount of VA benefits, or verifying other information with respect thereto.

16. To Federal agencies which use the Social Security number as a numerical identifier in their recordkeeping systems, for the purpose of validating Social Security numbers.

17. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provide such disclosure is compatible with the purpose for which the records were collected.

18. State Audit agencies for auditing State supplementation payments and medicaid eligibility considerations.

19. Information necessary to adjudicate claims filed under an international Social Security agreement that the United States has entered into pursuant to section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.

20. To Federal, State or local agencies (or agents on their behalf) for the purpose of validating Social Security numbers used in administering cash or noncash income maintenance programs or health maintenance programs (including programs under the Social Security Act).

21. To third party contacts in situations where the party to be contacted has, or is expected to have, information which will verify documents when the Social Security Administration is unable to determine if such documents are authentic.

22. Upon request, information on the identity and location of aliens may be disclosed to the Department of Justice (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating and, where appropriate, taking legal action against suspected Nazi war criminals in the United States.

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

STORAGE:

Records in this system are maintained in paper form (e.g., paper lists and punch cards) magnetic media (e.g., magnetic tape and disk with on-line access); and in microfilm and microfiche form.

RETRIEVABILITY:

Records in this system are indexed both by Social Security number and name.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the HHS Automated Data Processing Manual, "Part 6, ADP System Security." This includes maintaining the magnetic tapes and disks within a secured enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges issued only to authorized personnel. For computerized records electronically transmitted between Central Office and field office locations (including organizational administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail. All microfilm, microfiche, and paper files are accessible only by authorized personnel who have a need for the records in the performance of their official duties.

Expansion and improvement of SSA's telecommunications systems has resulted in terminals equipped with physical key locks. The terminals also are fitted with adapters to permit the future installation of data encryption devices and devices to permit the identification of terminals users. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

All paper forms are retained until they are filmed or are entered on tape, and the accuracy verified. They then are

destroyed by shredding. All tape, disks, microfilm, microfiche files are updated periodically. Out-of-date magnetic tapes and disks are erased. The out-of-date microfiche is disposed of by the application of heat.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Enumeration and Earnings Records, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by providing his or her name and Social Security number, or if the Social Security number is not known, date of birth, place of birth, mother's maiden name, and father's name, and evidence of identity to the address shown under system manager above. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requestors should reasonably specify the record contents they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requestors should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from Social Security number applicants (or individual acting on their behalf). The Social Security number itself is assigned to the individual as a result of internal processes of this system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0059

SYSTEM NAME:

Earnings Recording and Self-Employment Income System, HHS/SSA/OEER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235
Social Security Administration, Office of Systems Requirements, Office of

Enumeration and Earnings Records, 6401 Security Boulevard, Baltimore, Maryland 21235

and

Social Security Administration, Office of Central Operations, Office of Central Records Operations, Metro West Building, 300 North Greene Street, Baltimore, Maryland 21201

Records also may be located at contractor sites (contact the system manager at the address below for contractor addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who has been issued a Social Security number and who may or may not have earnings under Social Security or self-employment income; or any person requesting, reporting, or changing earnings information and/or inquiring about some aspect of the Social Security Act; or any person having a vested interest in a private pension fund.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of all Social Security numbers holders, their name, date of birth, sex, and race, a summary of their yearly earnings, and quarters of coverage; special employment codes (i.e., self-employment, military, agriculture, and railroad); benefit status; employer identification (i.e., employer identification numbers and pension plan numbers); minister waiver forms (i.e., forms filed by the clergy for the election or waiver of coverage under the Social Security Act); correspondence received from individuals pertaining to the above mentioned items; as well as copies of the replies to such correspondence, employer pension plan identification numbers and pension plan information (i.e., nature and form, and amount of vested benefits).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a) and 205(c)(2) of the Social Security Act, the Federal Records Act of 1950 (64 Stat. 583), and the Employee Retirement Income Security Act of 1974 (Public Law 93-406).

PURPOSE(S):

This system is used for the following purposes:

As a primary working record file of all Social Security number holders;
As a quarterly record detail file to provide full data in wage investigation cases;

To provide information for determining amount of benefits;

To record all incorrect or incomplete earnings items;

To reinstate incorrectly or incompletely reported earnings items;

To record the latest employer of a wage earner;

For statistical studies;

For identification of possible overpayments of benefits;

For identification of individuals entitled to additional benefits;

To provide information to employers and former employers for correcting or reconstructing earnings records and for Social Security tax purposes;

To provide worker and self-employed individuals with earnings statements or quarters of coverage statements;

To provide information to the HHS Audit Agency for auditing benefit payments under Social Security programs;

To provide information to the National Institute for Occupational Health and Safety for epidemiological research studies required by the Occupational Health and Safety Act of 1974;

To assist SSA correspondence in responding to general inquiries about Social Security, including their earnings or adjustments to earnings and in preparing responses to subsequent inquiries; and

To store minister waivers, thus preventing an erroneous payment of Social Security benefits.

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

Disclosure may be made for routine uses as indicated below:

1. To employers or former employers, including State Social Security Administrators, for correcting and reconstructing State employee earnings records and for Social Security purposes.

2. To the Department of the Treasury for:

(a) Investigating the alleged theft, forgery, or unlawful negotiation of Social Security checks; and

(b) Tax administration as defined in 26 U.S.C. 6103 of the Internal Revenue Code.

3. To the Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

4. To the Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigation and prosecuting violations of the Social Security Act.

5. To a contractor for the purpose of collating, evaluating, analyzing, aggregating or otherwise refining

records when the Social Security Administration contracts with a private firm. (The contractor shall be required to maintain Privacy Act safeguards with respect to such records.)

6. To the Energy Research Development Administration for their study of low-level radiation exposure.

7. To a Congressional Office in response to an inquiry from the congressional office made at the subject of a record.

8. To the Department of State for administering the Social Security Act in foreign countries through services and facilities of that agency.

9. To the American Institute on Taiwan for administering the Social Security Act on Taiwan through services and facilities of that agency.

10. To the Veterans Administration, Philippines Regional Office, for administering the Social Security Act on the Philippines through services and facilities of that agency.

11. To the Department of Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands through services and facilities of that agency.

12. To State Audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

13. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

14. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

15. Information necessary to adjudicate claims filed under an international Social Security agreement that the United States has entered into pursuant to section 233 of the Social Security Act may be disclosed to a

foreign country which is a party to that agreement.

16. To Federal, State or local agencies (or agents on their behalf) for the purpose of validating Social Security numbers used in administering cash or noncash income maintenance programs or health maintenance programs (including programs under the Social Security Act).

17. Information pertaining to wages and self-employment income may be disclosed in response to requests from State welfare agencies under sections 402(a)(29) and 411 of the Social Security Act for determining an individual's eligibility for aid or services under State plans for Aid to Families with Dependent Children and the amount of such aid or services.

18. Tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income which have been disclosed to SSA and business and employment addresses) may be disclosed, upon request, to officers and employees of the Department of Agriculture for purposes of, and to the extent necessary in,

(a) Determining an individual's eligibility for benefits, or

(b) The amount of benefits, under the food stamp program established under the Food Stamp Act of 1977.

19. Tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income which have been disclosed to SSA and business and employment addresses) may be disclosed, upon written request, to officers and employees of a State food stamp agency for purposes of, and to the extent necessary in,

(a) Determining an individual's eligibility for benefits, or

(b) The amount of benefits, under the food stamp program established under the Food Stamp Act of 1977.

20. Tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income which have been disclosed to SSA and business and employment addresses) may be disclosed, upon written request, to appropriate officers and employees of a State or local child support enforcement agency for purposes of, and to the extent necessary in,

(a) Establishing and collecting child support obligations from individuals who owe such obligations, and

(b) Locating those individuals,

under a program established under title IV-D of the Social Security Act (42 U.S.C. 651ff).

21. The fact that a veteran is or is not eligible for Retirement Insurance benefits under the Social Security program may be disclosed to the Office of Personnel Management for its use in determining that veteran's eligibility for a civil service retirement annuity and the amount of such annuity.

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

STORAGE:

Records in this system are maintained as paper forms, correspondence in manila folders on open shelving, paper lists, punchcards, microfilm, magnetic tapes, and disks with on-line access tape files.

RETRIEVABILITY:

Records in this system are indexed by Social Security number, name, and employer identification number.

SAFEGUARDS:

Safeguard for automated records have been established in accordance with the HHS Automated Data Processing Manual, "Part 6, ADP System Security." This includes maintaining the magnetic tapes and disks within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail. All microfilm and paper files are accessible only by authorized personnel who have a need for the information in the performance of their official duties.

Expansion and improvement of SSA's telecommunications systems has resulted in terminals equipped with physical key locks. The terminals also are fitted with adapters to permit the future installation of data encryption devices and devices to permit the identification of terminals users. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal records.)

RETENTION AND DISPOSAL:

All paper forms and cards are retained until they are filmed or are entered on tape and their accuracy is verified, then they are destroyed by shredding. All tapes, disks, and microfilm files are updated. The out-of-date magnetic tapes and disks are erased. The out-of-date microfilm is shredded.

SSA retains correspondence 1 year when it concerns documents returned to individual, denials of confidential information, release of confidential information to an authorized third party and undeliverable material, for 4 years when it concerns information and evidence pertaining to coverage, wage, and self-employment determinations, or when the statute of limitations is involved, and permanently any material which affects future claims development especially coverage, wage, and self-employment determinations. Correspondence is destroyed, when appropriate, by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Enumeration and Earnings Records, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by providing his or her name, Social Security number, signature, or other personal identification and referring to this system to the address shown under system manager above. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulation 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Social Security number applicants, employers, self-employed individuals; the Department of Justice (Immigration and Naturalization Service); the Department of Treasury (Internal Revenue Service); an existing system of records maintained by SSA, the Master

Beneficiary Record (09-60-0090); correspondence, replies to correspondence, and earnings modifications resulting from SSA internal processes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0063

SYSTEM NAME:

Resource Accounting and Project Management System, HHS/SSA/OS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of System Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Employees of the Social Security Administration who are responsible for ADP-related workloads.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel, including skills and availability utilization, and machine resource expenditures by work effort for ADP-related workloads. Information is captured by use of individual clerk number to identify employee time and by information contained in computer run card to identify machine time. Time is associated to work effort by a project/service request/task number structure. Data captured relating to work efforts includes: description of work, planned, authorized and obligated resources by skill category, responsible organizational component and responsible manager, user(s) priority and start and target dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act.

PURPOSE(S):

Information in this system is used to project and account for all Office of Systems personnel and machine resource expenditures as they relate to ADP-related workloads. Report packages and on-line capabilities are available for use by all levels of management within the SSA Office of Systems. Data included in the reports may be sorted in various ways to show information including personnel utilization, work effort in progress as well as budget and project status.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Service (HHS), any component of HHS, or any employee of HHS in his or her official capacity;

(b) The United States where HHS determined that the claim, if successful is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in magnetic media (e.g., magnetic tapes and discs).

RETRIEVABILITY:

Personnel records are indexed based on individual clerk number. Work efforts are identified by project service request number.

SAFEGUARDS:

Safeguards are established in accordance with the HHS Automated Data Processing Manual, "Part 6, ADP System Security." Information is distributed to the user and project managers only. The records are accessible only by use of assigned secure passwords. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Active records will remain on-line until complete. Records will be purged on an annual basis with complete records transferred to tape for 2 years. At the end of 2 years, tapes are erased and returned to stock.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Strategic Planning and Integration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by providing his or her name and clerk number to: Chief, Resource Accounting Branch, Division of Strategic Planning and Integration, 6401 Security Boulevard, Baltimore, Maryland 21235.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual or project managers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0066

SYSTEM NAME:

Claims Development Record, HHS/SSA/OFO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

District and branch office (see Appendix F.1 for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries, applicants and inquirers of information relating to the various Social Security programs and the Black Lung program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the name, address, and Social Security number of the individuals. It also contains development notes concerning the requesting and receipt of documents required for a claim for benefits. Benefit amounts and date of entitlement may also be displayed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205(a) of the Social Security Act.

PURPOSE(S):

Information in this system is used as an interviewing tool, record of clearance of claims and sometimes as a log of activity pertinent to continued entitlement to benefits.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from the office made on behalf of the subject of a record.

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

Records are stored in paper from (8 x 10 1/2 cards) filed in standard file cabinets.

RETRIEVABILITY:

Records are retrieved by name and Social Security number.

SAFEGUARDS:

Access to records is restricted to authorized personnel who have a need for the records in the performance of their official duties. The buildings which house the records are secured after normal business hours. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Specific destruction dates are established depending on whether a claim is allowed or disallowed. Generally, the records are maintained for 6 months then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Field Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by contacting the most convenient Social Security district or branch office (see Appendix F.1 for address and telephone information) and providing his/her name and Social Security number. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters also should reasonably specify the record contents they are seeking.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters also should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Applicants, Social Security beneficiaries, Supplemental Security Income recipients, inquiries and third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0075

SYSTEM NAME:

Congressional Bills File, HHS/SSA/OP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Legislative and Regulatory Policy, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listing of bills to amend the Social Security Act. Includes bill number, sponsor's name, state and party affiliation, date of introduction of bill, and a 3-digit subject code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. Code 301.

PURPOSE(S):

This system is used for the purposes of tracking Social Security legislation as it progresses in the Congress, and keeping a historical record and accounting of Social Security legislation.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

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

STORAGE:

Computer terminal (magnetic tape), and paper listings.

RETRIEVABILITY:

Bill name, subject matter, and name of sponsor.

SAFEGUARDS:

Safeguards for the automated records have been established in accordance with the Department of Health and Human Services' Automated Data Processing Manual, "Part 6, ADP System Security." The information is accessed on a limited need-to-know basis by staff of the Legislative Reference Office. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal records.)

RETENTION AND DISPOSAL:

Information in this system is retained for duration of each Congress. (A listing by subject matter is retained indefinitely.)

SYSTEM MANAGER(S) AND ADDRESS:

Legislative Reference Officer, Room 416 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the system manager at the address shown above. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in this system is derived from the Congressional Record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0077

SYSTEM NAME:

Congressional Inquiry File, HHS/SSA/FO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices of the Regional Commissioners (See Appendix C.1 for addresses)
Assistant Regional Commissioners, Programs (See Appendix C.2 for addresses)
Assistant Regional Commissioners, Field Operations (See Appendix C.3 for addresses)
District and branch offices (See Appendix F.1 for addresses)
and
Teleservice centers (See Appendix F.3 for addresses)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains a record of congressional representatives and the individuals about whom they inquire.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence to and from congressional representatives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205(a) of the Social Security Act.

PURPOSE(S):

This system is used to control and respond to correspondence from congressional representatives.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.
3. To the Department of Justice (DOJ) in the event of litigation where the defendant is:
 - (a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his/her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his/her individual capacity where DOJ has agreed to represent such employee; HHS may disclose such records as it deems desirable or necessary to DOJ to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in paper form in manila type folders.

RETRIEVABILITY:

Records are indexed and retrieved alphabetically by Congressman's name or individual's name.

SAFEGUARDS:

These records usually are available to personnel who have a need for them in the performance of their official duties. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The records generally are retained for 6 months to 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Field Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by contacting the most convenient Social Security district or branch office (see Appendix F.1 for address information). These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action and the reasons for the correction

with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from Congressional representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0078

SYSTEM NAME:

Public Inquiry Correspondence File, HHS/SSA/OFO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assistant Regional Commissioners, Programs (See Appendix C.2 for addresses)
Assistant Regional Commissioners, Field Operations (See Appendix C.3 for addresses)
District and branch offices (See Appendix F.1 for address information) and
Teleservice centers (See Appendix F.3 for addresses)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inquiries, usually for benefit information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205(a) of the Social Security Act.

PURPOSE(S):

Information is maintained in this file in case an inquirer requests information or files a formal application for benefits. Consequently the information can be used as a filing date for benefit purposes.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

3. To the Department of Justice (DOJ) in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his/her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his/her individual capacity where DOJ has agreed to represent such employee; HHS may disclose such records as it deems desirable or necessary to DOJ to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records are maintained in paper form in folders in standard file cabinets.

RETRIEVABILITY:

By name of inquirer or name of person about whom information is requested.

SAFEGUARDS:

Usually available only to personnel on a need to know basis. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The records are retained for 1 year and then disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Field Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system a record pertaining to him or her by contacting the most convenient district or branch office (see Appendix F.1 for address information). These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they

are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information is furnished by the inquirer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0089

SYSTEM NAME:

Claim Folder system, HHS/SSA/OOPP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The claims folders initially are established and maintained in district or branch offices when claims for benefits are filed or a lead is expected to result in a claim (see Appendix F.1 for district/branch office address information). The claims are retained there until all development has been completed, and then transferred to the appropriate processing center as set out below. Supplemental Security Income claims folders are held in district or branch offices pending establishment of a payment record, or until the appeal period in denied claim situation has expired. The folders are then transferred to a folder-staging facility in Wilkes-Barre, Pennsylvania prior to transfer to the Chicago Federal Archives Records Center.

Retirement and Survivors Insurance claims folders are maintained primarily in Social Security Program Service Centers. However, if the individual to which the claim pertains resides outside the United States or any of its possessions, the folder is maintained in the Division of International Operations. (See Appendix A for address information regarding the Program Service Centers and the Division of International Operations.)

Disability Insurance claims folders for individuals under age 59 are maintained primarily in the Office of Disability Operations (see Appendix B.1 for address information), or if the individual resides outside the United States or any of its possessions, the Division of International Operations. Disability Insurance claims folders for disabled individuals over age 58 are maintained in the Program Service Centers or the Division of International Operations.

Claims folders relating to Black Lung claims are maintained in the Office of Disability Operations (see Appendix E for address information).

Supplemental Security Income claims folders are maintained in the Chicago Federal Archives Records Center (contact the system manager at the address below to obtain this address).

In addition, claims folders are transferred to numerous other locations throughout the Department of Health and Human Services and the General Services Administration and on occasion may be temporarily transferred to other Federal agencies. The disability claims folders also are transferred to State agencies for disability and vocational rehabilitation determinations (see Appendix B.2 for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants, applicants, beneficiaries and potential claimants for Retirement, Survivors and Disability Insurance benefits; Health Insurance benefits; Black Lung benefits or Supplemental Security Income payments. Folders also are maintained on claims that have been denied.

CATEGORIES OF RECORDS IN THE SYSTEM:

The claims folder is established when a claim for benefits is filed or a lead is expected to result in a claim. It contains the name and Social Security number of the claimant or potential claimant, the application for benefits; earnings record information established and maintained by the Social Security Administration; documents supporting determinations of the fact regarding factors of entitlement and continuing eligibility; payment documentation; correspondence to and from claimants and/or representatives; and leads information from third parties such as social agencies, the Internal Revenue Service, the Veterans Administration and mental institutions.

It also may contain data collected as a result of inquiries or complaints; and evaluation and measurement studies of the effectiveness of claims policies.

Separate files may be maintained or certain actions which are entered directly into the computer processes. These relate to reports of changes of address, work status, and other post-adjudicative reports. Separate files also temporarily may be maintained for the purpose of resolving problem cases.

Separate abstracts also are maintained for statistical purposes (i.e., disallowances, technical denials, and demographic and statistical information relating to disability decisions).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 202-205, 223, 226, 228, 1611, 1631, 1818, 1836, and 1840 of the Social Security Act and sections 411 and 413 of the Federal Coal Mine and Health Safety Act.

PURPOSE(S):

The claims folder constitutes the basic record for payments and determinations under the Social Security Act and the Federal Coal Mine Health and Safety Act (Black Lung Act). Data are used to produce and maintain the Master Beneficiary Record (09-60-0090) which is the automated payment system for Retirement, Survivors, and Disability Insurance benefits; the Supplementary Security Income Record (09-60-0103) which is the payment system for the aged, blind, and disabled payments; the Black Lung Payment System (09-60-0045) which is the payment for black lung claims; and the Health Insurance Billing and Collection Master Record system (09-70-0522) the payment system for hospital and Supplementary Medical (Medicare) Insurance benefits.

This paper file is controlled by the Social Security Administration Claims Control System (09-60-0091) while the claim is pending development for adjudication in the district or branch office, and by the Case Control System (09-60-0092) once the folder has been transferred to the processing center (Program Service Centers, Division of International Operations, or the Office of Disability Operations).

The claims folders are used throughout the Social Security Administration for purposes of pursuing claims; determining, organizing and maintaining documents for making determinations as to eligibility for benefits, the amount of benefits, the appropriate payee for benefits, reviewing continuing eligibility, holding hearings or administrative review processes; ensuring that proper adjustments are made based on events affecting entitlement; and answering inquiries.

The folder may be referred to State Disability Determination Sections or Vocational Rehabilitation Agencies in disability cases. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes. Extracts may be maintained as interviewing tools, activity logs, records of claims clearance, and records of type or nature of actions taken.

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

Disclosure may be made for routine uses as indicated below:

1. To third party contracts in situations where the party to be contracted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for or entitlement to benefits under the Social Security program when:

(a) The individual is unable to provide information being sought. The individual is considered to be unable to provide certain types of information when any of the following conditions exists:

- (1) He/she is capable of or questionable mental capability;
- (2) He/she cannot read or write;
- (3) He/she cannot afford the cost of obtaining the information;
- (4) A language barrier exists; or
- (5) The custodian of the information will not, as a matter of policy provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

- (1) His/her eligibility for benefits under the Social Security program;
- (2) The amount of his/her benefit payment; or

(3) Any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement activities.

2. To third party contracts where necessary to establish or verify information provided by representative payees or payee applicants.

3. To a person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls; i.e.:

(a) An award of benefits to a new claimant precludes an award to a prior claimant; or

(b) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls;

but only for information concerning the facts relevant to the interests of each party in a claim.

4. To employers or former employers for correcting or reconstructing earnings records and for Social Security tax purposes only.

5. To the Department of the Treasury for:

(a) Collecting Social Security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social

Security Act (including Social Security number verification services); and

(b) Investigating alleged theft, forgery, or unlawful negotiation of Social Security checks.

6. To the United States Postal Service for investigating the alleged forgery, theft or unlawful negotiations of Social Security checks.

7. To the Department of Justice for:

(a) Investigating and prosecuting violations of the Social Security Act to which criminal penalties attach,

(b) Representing the Secretary, and

(c) Investigating issues of fraud by agency officers or employees, or violation of civil rights.

8. To the Department of State for administering the Social Security Act in foreign countries through facilities and services of that agency.

9. To the American Institute on Taiwan for administering the Social Security Act on Taiwan through facilities and services of that organization.

10. To the Veterans Administration, Philippines Regional Office, for administering the Social Security Act in the Philippines through facilities and services of that agency.

11. To the Department of Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands through facilities of that agency.

12. To the Office of the President for responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

13. To State Social Security Administrators for administration of agreements pursuant to section 218 (State and local).

14. To State audit agencies for:

(a) Auditing State supplementation payments and Medicaid eligibility considerations; and

(b) Expenditures of Federal funds by the State in support of the Disability Determination Section (DDS).

15. To private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by the Social Security Administration or a State agency acting in accord with sections 221 or 1633.

16. To specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e).

17. To institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under

section 1611(e) and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.

18. To applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue Social Security claims and receive an account of benefit payments.

19. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

20. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

21. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

22. To Federal, State, or local agencies (or agents on their behalf) for administering cash or noncash income maintenance or health maintenance programs (including programs under the Social Security Act). Such disclosures include, but are not limited to, release of information to:

(a) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment and for administering the Railroad Unemployment Insurance Act;

(b) The Veterans Administration for administering 38 U.S.C. 412, and upon request, information needed to determine eligibility for or amount of VA benefits or verifying other information with respect thereto;

(c) The Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act;

(d) State welfare departments for administering sections 205(c)(b)(i)(II)

and 402(a)(25) of the Social Security Act requiring information about assigned Social Security Numbers for Aid to Families with Dependent Children program purposes only;

(e) State agencies for making determinations of Medicaid eligibility; and

(f) State agencies for making determinations of food stamp eligibility under the food stamp program.

23. To State welfare departments:

(a) Pursuant to agreements with the Social Security Administration for administration of State supplementation payments;

(b) For enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act; and

(c) For conducting independent quality assurance reviews of Supplemental Security Income recipient records, provided that the agreement for Federal administration of the supplementation provides for such an independent review.

24. To State Vocational Rehabilitation agencies or State crippled Children's service agencies (or other agencies providing services to disabled children) for consideration of rehabilitation services per sections 222a and 1615 of the Social Security Act.

25. Information necessary to adjudicate claims filed under an international Social Security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country that is a party to that agreement.

26. To the Internal Revenue Service, Department of the Treasury, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

27. To third party contacts (including private collection agencies under contract with the Social Security Administration (SSA)) for the purpose of their assisting SSA in recovering overpayments.

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

STORAGE:

Records in this system are manually maintained in file folders.

RETRIEVABILITY:

Claims folders are indexed and retrieved both numerically by Social Security number and alphabetically by name.

SAFEGUARDS:

Claims folders are protected through limited access to Social Security Administration records. Access to the records is limited to those employees who require such access in the performance of their official duties. All employees are instructed in Social Security Administration confidentiality rules as a part of their initial orientation training. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The claims folder is initially maintained in the district/branch office, then transferred to the processing center. Later, both active and inactive folders are transferred to the Federal Archives and Records Center for storage and inactive (no one is entitled to benefits) folders are scheduled for destruction. The time for retention prior to destruction is 5-year retention—no record of surviving potential beneficiaries; 20-year retention—withdrawn claims, claims disallowed or lump-sum death payments only, and 55-year retention—potential future claimants indicated in the file.

When a subsequent claim is filed on the Social Security number, the claims file is recalled from the Records Center. Similarly, the claims files may be recalled from the Records Center at any time by the Social Security Administration as necessary in the administration of Social Security programs. When this occurs, the folder will be temporarily maintained in Social Security field, regional or central offices.

Separate files of actions entered directly into the computer processes are shredded or destroyed by heat after 1-6 months. Claims leads that do not result in a filing of an application are destroyed 6 months after the inquirer is invited by letter to file a claim.

SYSTEM MANAGER(S) AND ADDRESS:

SSA Privacy Officer, 6401 Security Boulevard, Baltimore, Maryland, 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by contacting the most convenient Social Security office (see Appendix F.1 for address and telephone information).

When requesting notification, the individual should provide his or her name, Social Security number, the type of claim he or she filed (Retirement, Survivors, Disability, Health Insurance, Black Lung special minimum payments, or Supplemental Security Income. If

more than one claim is filed, each should be identified), whether he or she is or has been receiving benefits, whether payments are being received under his or her own Social Security number, and if not, the name and Social Security number under which received, if benefits have not been received, the approximate date and place the claim was filed, and his or her address and/or telephone number. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the information they are seeking.

An individual who requests access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion.

These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from claimants, beneficiaries, applicants and recipients; accumulated by the Social Security Administration from reports of employers or self-employed individuals; various local, State, and Federal agencies; claimant representatives; other sources to support factors of entitlement and continuing eligibility or to provide leads information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0090

SYSTEM NAME:

Master Beneficiary Record (MBR), HHS/SSA/OURV.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of System Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Social Security beneficiaries who are or were entitled to receive Retirement, Survivors, or Disability Insurance (RSDI) benefits; persons who are only enrolled in the Hospital and/or Supplemental Medical Insurance (SMI) programs; and claimants whose benefits have been denied or disallowed.

The system also contains short reference to records for persons entitled to Supplemental Security Income payments, Black Lung benefits or Railroad Retirement Board benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Master Beneficiary Record contains information about each claimant who has applied for RSDI benefits, or to be enrolled in the Hospital or SMI programs. A record is maintained under each individual's Social Security number (SSN). However, if the individual has filed on another person's SSN, only a short 'pointer' record is maintained. Personal and general data about the claim is maintained under the SSN of claim. Data about the claimant can be accessed using the claimant's SSN or the SSN on which benefits have been awarded or claimed (claim account number (CAN)).

There are three types of data in each CAN:

Account data. This includes the primary insurance amount, insured status of the SSN holder (if no monthly benefits are payable), data relating to the computation (use of military service credits, railroad retirement credits, or the foreign country when the primary insurance amount is based on wage credits under a totalization agreement), and, if only Survivor's benefits have been paid, identifying data about the SSN holder (full name, date of birth, date of death and verification of date of death).

Payment data. This includes the payee name and address, data about a financial institution (if benefits are sent directly to the institution for deposit), the monthly payment amount, the

amount and date of a one-time payment of past due benefits, and, where appropriate, a scheduled future payment. Payment data can refer to one beneficiary or several beneficiaries in a combined payment.

Beneficiary data. This includes personal information (name, date of birth, sex, date of filing, relationship to the SSN holder, other SSN's, benefit amount and payment status), and, if applicable, information about a representative payee, data about disability entitlement, workmen's compensation offset data, estimates and report of earnings, or student entitlement information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 202a-205, 223, 226, 228, 1818, 1836, and 1840 of the Social Security Act.

PURPOSE(S):

Data in this system are used by a broad range of Social Security employees for responding to inquiries, generating followups on beneficiary reporting events, computer exception processing statistical studies, conversion of benefits, and generating records for the Department of the Treasury to pay the correct benefit amount. Data in this system also are available to the HHS Inspector General for use in the performance of his/her duties.

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

Disclosure may be made for routine uses as indicated below:

1. To applicants or claimants, prospective applicants or claimants (other than the data subject), their authorized representatives or representative payees to the extent necessary to pursue Social Security claims and receive and account for benefits.
2. To third party contacts in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for, or entitlement to, benefits under the Social Security program when:
 - (a) The individual is unable to provide information being sought. An individual is considered to be unable to provide certain types of information when:
 - (1) He/she is incapable or of questionable mental capability;
 - (2) He/she cannot read or write;
 - (3) He/she cannot afford the cost of obtaining the information;
 - (4) A language barrier exists; or

(5) The custodian of the information will not, as a matter of policy, provide it to the individual.

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

- (1) His/her eligibility for benefits under the Social Security program;
 - (2) The amount of his/her benefit payment; or
 - (3) Any case in which the evidence is being reviewed as a result of suspected fraud, concern for program, or for quality appraisal, or evaluation and measurement activities.
3. To third party contacts where necessary to establish or verify information provided by representative payees or payee applicants.
4. To a person (or persons) on the rolls when a claim is filed by another individual which is adverse to the person on the rolls:
- (a) An award of benefits to a new claimant precludes an award to a prior claimant; or
 - (b) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the roll; but only for information concerning the facts relevant to the interests of each party in a claim.
5. To the Department of the Treasury for:
- (a) Collecting Social Security taxes or as otherwise pertinent to the tax and benefit payment provisions of the Social Security Act (including Social Security number verification services); or
 - (b) Investigating the alleged theft, forgery, or unlawful negotiation of Social Security checks.
6. To the United States Postal Service for investigating the alleged theft or forgery of Social Security checks.
7. To the Department of Justice for:
- (a) Investigating and prosecuting violations of the Social Security Act to which criminal penalties attach;
 - (b) Representing the Secretary of the Department of Health and Human Services; and
 - (c) Investigating issues of fraud by agency officers or employees, or violation of civil rights.
8. To the Department of State for administering the Social Security Act in foreign countries through services and facilities of that agency.
9. To the American Institute of Taiwan for administering the Social Security Act on Taiwan through services and facilities of that agency.
10. To the Veterans Administration, Philippines Regional Office, for administering the Social Security Act in

the Philippines through the services and facilities of that agency.

11. To the Department of Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands through services and facilities of that agency.

12. Information necessary to adjudicate claims filed under an international Social Security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.

13. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his/her behalf.

14. To the Office of Education for determining eligibility of applicants for basic educational opportunity grants.

15. To the Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to this system of records.

16. To the Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

17. To the Office of Personnel Management for the study of the relationship of civil service annuities to minimum Social Security benefits, and the effects on the trust fund.

18. To State Social Security Administrators for administering agreements pursuant to Section 218 (State and local) of the Social Security Act.

19. To the Department of Energy for their study of the long-term effects of low-level radiation exposure.

20. To contractors under contract to the Social Security Administration (SSA) (or under contract to another agency with funds provided by SSA) for the performance of research and statistical activities directly relating to this system of records.

21. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

22. To the Department of Labor for conducting statistical studies of the relationship or private pensions and Social Security benefits to prior earnings.

23. To the Department of Justice in the event of litigation where the defendant is:

- (a) The Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his/her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his/her individual capacity where the Justice Department has agreed to represent such employee.

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that department to present an effective defense, provide such disclosure is compatible with the purpose for which the records were collected.

24. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

25. To Federal, State, or local agencies (or agents on their behalf) for administering income maintenance or health maintenance programs (including programs under the Social Security Act). Such disclosures include, but are not limited to, release of information to:

(a) The Railroad Retirement Board for administering provisions of the Railroad Retirement Act relating to railroad employment; for administering the Railroad Unemployment Insurance Act and for administering provisions of the Social Security Act relating to railroad employment.

(b) The Veterans Administration for administering 38 U.S.C. 412, and upon request, for determining eligibility for, or amount of, Veterans benefits or verifying other information with respect thereto;

(c) State welfare departments for administering sections 205(c)(2)(B)(i)(II) and 401(a)(25) of the Social Security Act requiring information about assigned Social Security numbers for Aid to Families with Dependent Children (AFDC) program purposes and for determining a recipient's eligibility under the AFDC program; and

(d) State agencies for administering the Medicaid program.

26. Upon request, information on the identity and location of aliens may be disclosed to the Department of Justice (Criminal Division, Office Special Investigations) for the purpose of detecting, investigating and, where appropriate, taking legal action against suspected Nazi war criminals in the United States.

27. To third party contacts (including private collection agencies under contract with the Social Security Administration (SSA)) for the purpose of their assisting SSA in recovering overpayments.

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

STORAGE:

Records are stored in magnetic media (e.g., magnetic tape and magnetic disk) and in microform and paper form.

RETRIEVABILITY:

Records in this system are indexed and retrieved by use of the Social Security number.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with HHS Automated Data Processing Manual, "Part 6, ADP System Security." All magnetic tapes and discs are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel and are locked after working hours.

For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Primary data storage is on magnetic tape. A new version of the tape file is generated each month based on changes to the beneficiary's record (adjustment in benefit amount, termination, or new entitlements). The prior version is retained for 90 days in SSA's main data processing facility and is then sent to a secured storage facility for indefinite retention. Selected records also are retained on magnetic disc for on-line query purposes. The disc files are updated monthly and retained indefinitely. Microform records are disposed of by shredding or the application of heat after periodic replacement of a complete file. Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder, in which case they are retained therein indefinitely (see the notice for Claim Folder system of records, 09-60-0089).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirements and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by contacting the most convenient Social Security office (see Appendix F.1 for address information) and providing his/her name, Social Security claim number (Social Security number plus alphabetic symbols), address, and proper identification. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The information for the Master Beneficiary Record comes primarily from the Claim Folder (09-60-0089) and/or is furnished by the beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given the Social Security Administration by the beneficiary; and from States regarding health insurance third party premium payment/buy-in cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0091

SYSTEM NAME:

Social Security Administration Claims Control System, HHS/SSA/OURV.

SECURITY CLASSIFICATION:

None.

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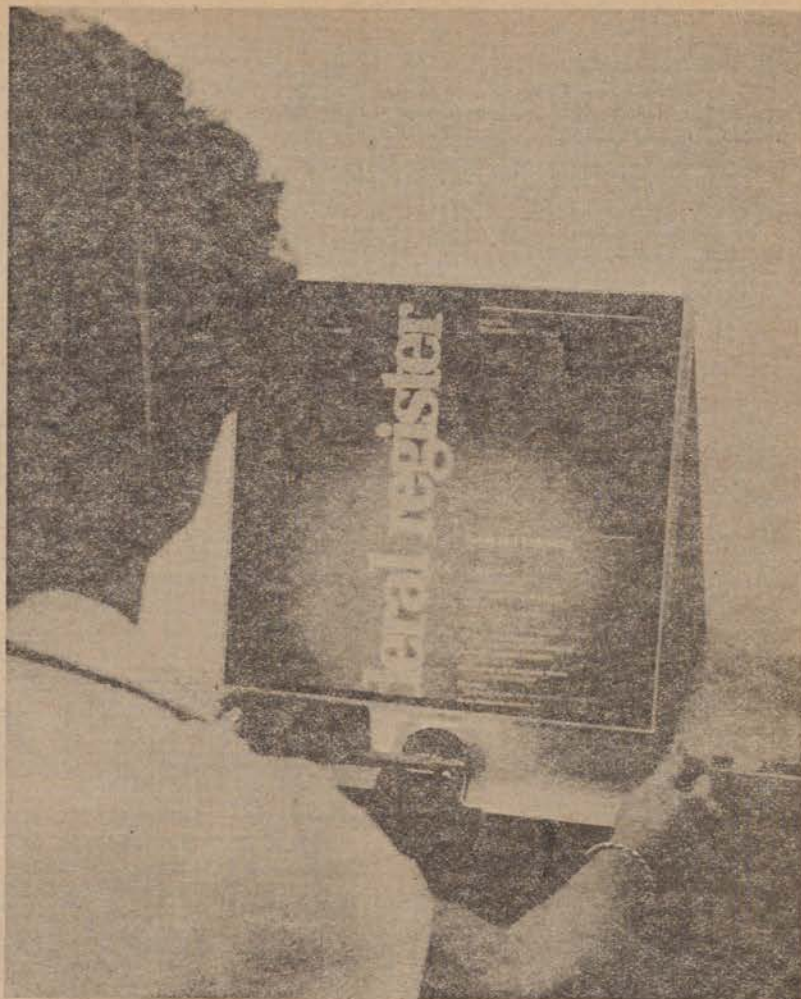
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Book 3 of 3 Books
Wednesday, October 13, 1982

Part III

Department of Health and Human Services

Privacy Act of 1974; Annual Publication
of Systems of Records

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20540

Part III

Department of Health and Human Services

Public Law 85-624, 80 Stat. 2345
October 3, 1966

Report

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains a record for each individual who has filed a claim for Retirement, Survivors and Disability Insurance benefits and/or Health Insurance benefits on a particular Social Security number. Only one record is established for each Social Security number even though more than one claim may be filed simultaneously (e.g., claims for the wage earner, his wife, and children on one Social Security number).

CATEGORIES OF RECORDS IN THE SYSTEM:

Data in this system consist of the wage earner's name and Social Security number; the date the application was filed (for a few cases it is not included because it is not known when the record is established); the type of action (i.e., Retirement, Survivors, Disability, and/or Health Insurance Benefits); the potential month of entitlement (for monthly benefits this will be the first month for which benefits may be paid); the code for the district office that processed the application; the district office that released the claim to the State agency or processing center; the present location of the claim; and the date the claim was released by one office and received by another.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205q of the Social Security Act. (This provision necessitates a systems control of claims to ensure payment within prescribed time pars.)

PURPOSE(S):

This record system is used to control claims from the point they originate in a district/branch office until they are finally processed to completion. The record enables the Social Security Administration to identify those claims for which inordinate delays occur. Once identified, expeditious processing is initiated. Additionally, the data present in the system is useful in the reconstruction of a claim if the application were to be lost.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from the congressional office made at the request of that individual.

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

Magnetic tape and disk for online and offline retrieval.

RETRIEVABILITY:

Records are indexed by Social Security number.

SAFEGUARDS:

Safeguards have been established in accordance with the Department of Health and Human Services' Automated Data Processing Manual, "Part 6, ADP System Security." Magnetic tape and disk records protected through standard security measures used for all SSA's computer records—limited access to Social Security Administration offices—limited employee access to computer facilities based on specific authorization.

For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail. (See Appendix J to this publication for information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The records on the magnetic tapes are purged when the decision of award or disallowance is made on the Social Security number or at 1 year from the date the record is established, whichever occurs first. The old versions of tapes are erased and returned to stock. The disk files are continuously updated and retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirements and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by contacting the most convenient Social Security office (see Appendix F for address information) and providing his/her Social Security claim number (Social Security number plus alphabetic symbols), name, address and proper identification. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These

procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. The data in this system are extremely limited since the system is a mechanism used by SSA to control and expedite the processing of claims. However, requesters who wish to reference this system, should provide their name, social security number, approximate date and place claim was filed, type of claim (retirement, survivors, disability, or health insurance), and return address or phone number. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. It is maintained that little of the data in this system is contestible; however, should an individual wish to contest it upon review, he or she may do so by contacting staff at the office specified under notification procedures above. If he or she decides to contest the data, he or she should reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The data are derived from the information furnished by the claimant on his application and by control data that is received as the claim is sent from the district/branch office to other Social Security offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0092

SYSTEM NAME:

Automated Control System for Case Folders, HHS/SSA/OURV.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Division of International Operations, P.O. Box 1756, Baltimore, Maryland 21203
Social Security Administration, Office of Disability Operations, Baltimore, Maryland 21241
and
Social Security Administration, Program Service Centers, (see Appendix A for address information)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains a record of each individual who has filed a claim for Title II benefits (Retirement, Survivors and Disability Insurance); Title XVI payments (Supplemental Security Income); and Title XVIII benefits (Health Insurance benefits) whose claims have been processed through to a decision of award, disallowance, withdrawal, or termination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data in this system consist of a control record by social security number containing data relative to the location of the claim serviced by one of the offices maintaining jurisdictional responsibility; and whether the claims folder is maintained in that office, temporarily or permanently transferred to an other office within the Social Security Administration, a State disability, or vocational rehabilitation agency, or for storage in a Federal Records Center.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The payment provisions of the Social Security Act and Federal Coal Mine Health and Safety Act, Sections 202, 223, 226, 228, 1611, 1631, 1818, and 1836 of the Social Security Act and 411 of the Federal Coal Mine Health and Safety Act. The information for this system is derived from the claims filing process and duplicates, in fact, that set out in Claim Folder System notice, 09-60-0089.

PURPOSE(S):

This system is used by Social Security offices to identify the location of claims as well as enabling them to associate and process incoming material in a timely fashion. The identification and exact location feature assists SSA in meeting the standards of service to the public in processing and deciding claims for benefits. Data are also used to identify where operating weaknesses are to facilitate corrective action by management.

Management data also is derived from the control records to provide statistical data relative to workloads, staffing, and manpower usage.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

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

Magnetic disk storage files and magnetic tape files.

RETRIEVABILITY:

Records are retrieved by Social Security number.

SAFEGUARDS:

Disk and tape files protected through standard security measures used for all of Social Security Administration's computer records—limited access to Social Security offices, and limited employee access to computer facilities based on specific authorizations. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personnel information.)

RETENTION AND DISPOSAL:

The control records are maintained indefinitely. When disk files are rewritten, the old disks are erased and returned to stock.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirements and Validations, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by providing name and Social Security number and following the instructions below. Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay:

If the records relate to a Retirement of Survivors claims, the individual should contact the appropriate Program Service Center (see Appendix A for Social Security number and address information).

If the individual named in the record resides outside the United States, or any of its possessions, or if the requested information relates to a foreign claim, the individual should write to the Division of International Operations (see Appendix A for address information).

Requests for other information should be forwarded to the Office of User Requirements and Validation at the address shown above under system manager.

These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. The data in this file is extremely limited

since the system is a mechanism used by SSA to locate claims folders and claims in process. However, if an individual would like access to records in this system, he or she should provide his or her name, Social Security number, and related address to the appropriate address specified under notification procedures above. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. It is maintained that little of the data here is contestible, however, should an individual wish to contest it upon review, he or she may do so by writing to the appropriate address specified under notification procedures and reasonably identify the record, specify the information being contesting and state the corrective action sought and the reasons for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

The control records are developed from recordings of cards containing Social Security numbers and coded location identifiers. Also, magnetic tape files prepared in the Social Security Central Office in Baltimore containing Social Security numbers and location identifications are provided to the jurisdictional offices to reflect the location of claims wherever located in Social Security Administration offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0094

SYSTEM NAME:

Recovery Accounting for Overpayments, HHS/SSA/OURV.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235

Social Security Administration, Program Service Centers (see Appendix A for address information)

Social Security Administration, Division of International Operations, P.O. Box 1756, Baltimore, Maryland 21203

and

Social Security Administration, Office of Disability Operations, Baltimore, Maryland 21241

Lists of overpaid individuals, which are produced by this computer system, are maintained at each district or

branch office (see Appendix F for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Social Security beneficiaries who received an overpayment of benefits; persons holding conserved (accumulated) funds received on behalf of a Social Security beneficiary; and persons who received Social Security payments on behalf of a beneficiary and were found to have misused those payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying characteristics of each overpayment or instance of misused or conserved funds; e.g., name and address of the individual(s) involved, recovery efforts made and the date of each action, and planned future actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 204(a) of the Social Security Act (42 United States Code 404(a)).

PURPOSE(S):

The users of this system are employees of district and branch offices, as well as selected personnel of Social Security Program Service Centers, the Division of International Operations, and the Office of Disability Operations. The data are used to maintain control of overpayments and misused or conserved funds from the time of discovery to the final resolution and for the proper adjustments of payment and refund amounts. Data adjustment produce accounting and statistical reports at specified intervals.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or a third party on his/her behalf.
3. To third party contacts (including private collection agencies under contract with the Social Security Administration (SSA)) for the purpose of their assisting SSA in recovering overpayments.

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

STORAGE:

Records are maintained in magnetic media (e.g., magnetic tape and magnetic disk), microfiche and paper form.

RETRIEVABILITY:

Records are retrieved by Social Security number.

SAFEGUARDS:

Magnetic tape, magnetic disk, microfiche and paper records are protected through standard security measures used for all of the Social Security Administration's records—limited access to Social Security Administration offices—limited access to files to employees who have a need for the records in the performance of their official duties. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Magnetic tape files are updated daily and retained for 20 days, after which they are erased and returned to stock. The magnetic tape file produced in the last operation of the month is retained in security storage for a period of 30 days, after which the tapes are erased and returned to stock. The microfiche records are updated monthly, retained for 3 years after the month they are produced, and then destroyed by application of heat. A complete update of the microfiche is produced annually. Paper listings are destroyed when the overpayment issue is resolved or when the updated listing is received. The disk files are continuously updated and retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirements and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by contacting the most convenient Social Security district/branch office (see Appendix F for address information) or the appropriate Program Service Center (see Appendix A for address information).

When requesting notification, the individual should provide his or her name, Social Security number, address, other information which will assist in locating the requested materials (e.g., data about a prior or current overpayment), and reference this system

of records. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents they are accessing. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The information for the computer files is received directly from beneficiaries, from district and branch offices, and as the result of earnings enforcement operations. The paper listings are updated as a result of the computer operations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0095

SYSTEM NAME:

Health Insurance Overpayment Ledger Cards. HHS/SSA/OURV.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Program Service Centers (see Appendix A for address information)
Social Security Administration, Division of International Operations, P.O. Box 1756, Baltimore, Maryland 21203

and

Social Security Administration, Office of User Requirements and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Social Security Health and Supplemental Medical Insurance enrollees who received incorrect Medicare payments or services, who are determined liable, and against whom it is not possible to adjust subsequent Part

A (Hospital) or Part B (Supplementary Medical) benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

A clerical record of each overpaid Medicare benefit; name and address of the individual(s) involved; recovery efforts made and the date of each action and planned future actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1814, 1833 and 1870 of the Social Security Act.

PURPOSE(S):

The users of this system are selected employees of Social Security Program Service Centers, the Division of International Operations, and the Office of Disability Operations. The information recorded by the Program Service Centers is used to maintain control of Medicare overpayments referred to the Program Service Center from the Department of Health and Human Services, Health Care Financing Administration for recovery action. In these cases, the Health Care Financing Administration is unable to recoup the overpayment by adjusting subsequent Medicare benefits. The information on the ledger cards also is used to produce periodic accounting, management, and statistical reports.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Card stock in metal cabinets.

RETRIEVABILITY:

The records in this system are retrieved by Social Security number.

SAFEGUARDS:

Records protected through standard security means for all of the Social Security Administration's clerical records (e.g., cabinets are locked after hours, limited access to buildings and limited access by authorized employees who have a need for the records in the performance of their official duties). (See Appendix J to this publication for additional information relating to safeguards, the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Records are retained in the Program Service Center for a period of one year after collection efforts terminated and then transferred to the Federal Records Center where they are retained for 3 years, then destroyed shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirements and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by providing name and Social Security number and following the procedures below. Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay:

If the requested records relate to a Retirement or Survivors Insurance claims, the individual should contact the appropriate Social Security Program Service Center (based on Social Security number) (see Appendix A for address and Social Security number information).

If the individual named in the record resides outside the United States or its possessions, contact should be made to the Division of International Operations (see Appendix A for address information).

If the requested records relate to a Disability Insurance claim, the individual should write to the Office of Disability Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

When requesting notification, and individual should provide his or her name, Social Security number, and reference to this system. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The information is received indirectly from the providers of Medicare services through the Health Care Financing

Administration and directly from the Health Care Financing Administration as a result of their audit procedures.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0097

SYSTEM NAME:

Program Integrity Case Files -HHS/SSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office Assessment, 6401 Security Boulevard, Baltimore, Maryland 21235

Field Integrity Staffs located in Field Assessment Office (see Appendix I for address information)

and

Social Security Administration Office of System Operations 6401 Security Boulevard Baltimore, Maryland 21235.

Records constituting an extension of the file may be located elsewhere in the Social Security Administration (e.g., district, branch and/or regional offices). Records also may be located at Federal Records Centers (contact the system at the address below to obtain the address for these records).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons suspected of violating Federal statutes affecting the administration of programs under the responsibility of SSA, including those against whom civil recovery action is being considered or pursued.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained in each record includes the identity of the suspect, the nature of the alleged offense, documentation of the investigation into the alleged offense, and the disposition of the case by SSA or the United States Attorney.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a), 206, 208, 1102, 1106, 1107, 1631(d) (1) and (2) and 1632, of the Social Security Act; and section 413 of the Federal Coal Mine Health and Safety Act.

PURPOSE(S):

The information in this system pertains to suspected violations of Federal statutes. Cases may move through several levels of SSA at district/branch, regional and/or central office

locations during the course of documenting a suspected fraudulent situation.

Information in this system is used by SSA staff to determine if a violation of the penal provisions of the Social Security Act or related provisions of the United States Code has been committed. If so, such material is used as the basis for referral of the case to the Department of Justice for consideration of prosecution. The material also is used to determine the direction of investigation of potential fraud situations.

Additionally, the information is used:

- (1) To monitor the progress of development of individual suspected fraud cases to insure timely resolution;
- and (2) for statistical analysis purposes to identify (a) types of cases which occur with such frequency as to suggest the need for revision of policies and procedures relative to establishing eligibility for payments; and (b) trends and averages with respect to the processing of such cases and their disposition under the Federal judicial system.

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

Disclosure may be made for routine uses as indicated below:

1. To officers of employees of State governments as well as the CHAMPUS program for use in conducting investigations of possible fraud or abuse against the title XIX or CHAMPUS program.
2. To States Attorneys in connection with State programs involving the Social Security Administration.
3. To the Department of the Treasury to investigate cases involving fraudulent tax returns or forgery of Social Security checks.
4. To the United States Postal Service for investigating alleged theft of Social Security checks.
5. To State and local police authorities for the purpose of investigating the loss, theft, and/or forgery of Medicare checks.
6. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
7. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful,

is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

8. To third party contacts for the purpose of establishing or negating a violation of the Social Security Act or related provisions of the United States Criminal Code.

9. To the Internal Revenue Service for the purpose of auditing the Social Security Administration's compliance with safeguards provisions of the Internal Revenue Code of 1945, as amended.

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

STORAGE:

Records are stored in paper form and in magnetic media (e.g., magnetic tape and disc).

RETRIEVABILITY:

Records are indexed and retrieved by Social Security number or by name of the subject of the investigation.

SAFEGUARDS:

Manual records are maintained in locked filing cabinets and are accessed only by employees with a job-related need for the information. System security for automated records is maintained in accordance with the Department of Health and Human Services' Automated Data Processing Manual, "Part 6, ADP System Security." This includes maintaining the records in secured areas which are patrolled by armed guards and permitting only authorized employees to these areas in the performance of their official duties. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Paper records may be retained 5 years after final disposition of the case. At the end of the retention period, the records are destroyed by shredding. Records may also be transferred to a Federal Records Center after they have been closed for 2 years. Data maintained in magnetic media is retained an indefinite period of time. Once determined no

longer needed, these records are disposed of in accordance with established SSA procedures for disposal of records; e.g., erasure of tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Integrity, Office of Security and Program Integrity, Office of Assessment, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by writing to the system manager at the above address and providing name, Social Security number, any Social Security number on which he/she has filed for, or received benefits, the type of such claim, and current claim status. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations, 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Per 5 United States Code 522a(k)(2), the records in this system are exempt from access by the individual named in the records. However, the individual may gain access to information which is a matter of public record or documents which he/she has furnished by writing to the system manager at the above address. When requesting access to a medical record, the individual shall, at the time of the request, designate in writing a responsible representative who will be willing to review the record and inform the subject of its contents at the representative's discretion.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time of the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion.

CONTESTING RECORD PROCEDURES:

Same as above. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations, 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The information contained in this record system is the result of criminal investigation and may be derived from

such sources as the suspect, witnesses, or Social Security Administration employees with a knowledge of the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exemption of this system to the access provisions is claimed under section k(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for program (law) enforcement in anticipation of a criminal proceeding. (See page 47413 of Federal Register of October 8, 1975, Vol. 40, No. 196, Part IV.)

09-60-0102

SYSTEM NAME:

Fee Ledger System for Representatives, HHS/SSA/OIP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records pertaining to representatives in Retirement, Survivors, Disability, Health Insurance, Supplemental Security Income and Black Lung benefits claims are maintained as indicated below:

Claims where a fee petition was processed through November 1974 involving Retirement, Survivors and Disability Insurance and Supplemental Security Income for the aged are located at: Social Security Administration, Office of Insurance Programs, 6401 Security Boulevard, Baltimore, Maryland 21235.

Claims involving Disability Insurance benefits, Black Lung and Supplemental Security Income for the blind and disabled are located at: Social Security Administration, Office of Disability Operations, 1500 Woodlawn Drive, Baltimore, Maryland 21241.

Claims that involve a hearing for Disability, Retirement, and Survivors benefits, Health Insurance, Black Lung, or Supplemental Security Income are located at: Social Security Administration, Office of Hearings and Appeals, 801 North Randolph Street, Arlington, Virginia 22203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and non-attorney representatives of claimants before the Social Security Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of representative, firm affiliation, if any, claimant's Social Security number, fee requested by representative, amount of fee approved by the Social Security Administration,

amount withheld from claimant's past-due benefits, date the fee was approved, type of service rendered; and information pertaining to reviewing and approving offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 206 and 1631(d) of the Social Security Act, and section 413(b) of the Federal Coal Mine Health and Safety Act of 1969.

PURPOSE(S):

This system provides a statistical base for projections of workloads, trends, cost analyses of legislative proposals, and similar activities. Such information is supplied upon request to government agencies, the Congress, and the public.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

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

STORAGE:

Records are stored in paper form (e.g., ledger cards and carbon copies).

RETRIEVABILITY:

Records are indexed by a combination of name and Social Security number.

SAFEGUARDS:

The records are maintained in locked filing cabinets. Only those SSA employees who have a need for the records in the performance of their official duties are permitted access to the records. All employees are issued photographic passes and must display the passes upon entering buildings which house the records. Additionally, entrances and exits to the buildings are manned by armed security guards. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Ledger records are retained for a period of 5 years from the date of the latest entry. If no entries are recorded within this period, the record is destroyed. When the ledger is destroyed, the name, address of the representative, and at least one Social Security number of an involved claim, is recorded and indexed for indefinite

retention. Copies of the representatives petition are retained for 1 to 2 years. The fee ledgers are maintained indefinitely, as are the records in the Social Security Administration Offices of Disability Operations (through November 1978), Assistance Programs and Hearings and Appeals.

SYSTEM MANAGER(S) AND ADDRESS:

See location above for appropriate manager to contact.
Director, Office of Insurance Programs,
6401 Security Boulevard, Baltimore,
Maryland 21235
Director, Office of Disability Operations,
6401 Security Boulevard, Baltimore,
Maryland 21235
and
Director, Office of Hearings and
Appeals, 801 North Randolph Street,
Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the appropriate system manager (see location above) at one of the addresses shown above and providing his/her name and Social Security number. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) When the appropriate system manager cannot be identified, the individual may contact the Director, Office of Insurance Programs at the address shown under system manager above.

All requests for information should include the representative's name, address, type of claim, date the fee was approved, and the Social Security number under which the claim was filed. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information is extracted from forms completed by the representative and the Social Security Administration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0103

SYSTEM NAME:

Supplemental Security Income Record, HHS/SSA/OURV.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235. Regional, district and branch offices (see Appendices C and F.1 for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file contains a record for each individual who has applied for Supplemental Security Income (SSI) payments including individuals who have requested an advance payment; SSI recipients who have been overpaid and each essential person associated with an SSI recipient.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains data regarding SSI eligibility; citizenship; residence; Medicaid eligibility; eligibility for other benefits; alcoholism or drug addiction data, if applicable (disclosure of this information may be restricted by 21 U.S.C. 1175 and 42 U.S.C.); income data; resources; payment amounts, including overpayments amounts and date and amount of advance payments; living arrangements; case folder location data; appellate decisions, if applicable; Social Security numbers used to identify a particular individual; and a history of changes to any of the persons who have applied for SSI payments. For eligible individuals, the file contains basic identifying information, income and resources (if any) and, in conversion cases, the State welfare number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1602, 1611, 1612, 1613, 1614, 1615, 1616, 1631, 1633, and 1634 of Title XVI of the Social Security Act.

PURPOSE(S):

Supplemental Security Income records begin in the Social Security district office where an individual files an application for Supplemental Security Income payments. This application contains data which may be used to prove the identity of the applicant to determine his or her eligibility for Supplemental Security Income payments and, in cases where eligibility is

determined, to compute the amount of the payment. Information from the application, in addition to data used internally to control and process Supplemental Security Income cases, is used to create the Supplemental Security Income Record (SSR). The SSR also is used as a means of providing a historical record of all activity on a particular individual's record.

In addition, statistical data is derived from the SSR for actuarial and management information purposes.

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

Disclosure may be made for routine uses as indicated below:

1. To the Treasury Department to prepare Supplemental Security Income and Energy Assistance checks.

2. To the States to establish the minimum income level for computation of State supplement.

3. To the following Federal and State agencies to prepare information for verification of benefit eligibility under section 1631(e):

- (a) Bureau of Indian Affairs.
- (b) Civil Service Commission.
- (c) Department of Agriculture.
- (d) Department of Labor.
- (e) Immigration and Naturalization Service.

(f) Internal Revenue Service.

(g) Railroad Retirement Board.

(h) State Pension Funds.

(i) State Welfare Offices.

(j) State Workmen's Compensation.

(k) Department of Defense.

(l) United States Coast Guard.

(m) Veterans Administration.

4. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

5. To identify Title XVI eligibles under the age of 16 to State crippled children's agencies (or other agencies providing services to disabled children) for the consideration of rehabilitation services per section 1615 of the Social Security Act.

6. To contractors under contract to the Social Security Administration or under contract to another agency with funds provided by SSA for the performance of research and statistical activities directly relating to this system of records.

7. To State audit agencies for auditing State supplementation payments and Medicaid eligibility consideration.

8. To effect and report the fact of Medicaid eligibility of title XVI recipients in the jurisdiction of those States which have elected Federal determinations of Medicaid eligibility of

title XVI eligibles and to assist the States in administering the Medicaid program.

9. To identify title XVI eligibles in the jurisdiction of those States which have not elected federal determinations of Medicaid eligibility in order to assist those States in establishing and maintaining Medicaid rolls and in administering the Medicaid program.

10. To enable States which have elected Federal administration of their supplementation programs to monitor changes in applicant/recipient income, special needs, and circumstances.

11. To enable States which have elected to administer their own supplementation programs to identify SSI eligibles in order to determine the amount of their monthly supplemental payments.

12. To enable the States to assist in the effective and efficient administration of the supplemental security income program.

13. To enable those States which have an agreement with the Secretary, to carry out their functions with respect to Interim Assistance Reimbursement pursuant to Section 1631(g) of the Social Security Act.

14. To enable States to locate potentially eligible individuals and to make eligibility determinations for extensions of social services under the provisions of title XX.

15. To assist the States in determining initial and continuing eligibility in their income maintenance programs and for investigating and prosecuting of conduct subject to criminal sanctions under these programs.

16. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components, or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

17. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry

received from that individual or a third party on his/her behalf.

18. To the United States Postal Service for investigating the alleged theft, forgery or unlawful negotiation of Supplemental Security Income checks.

19. To the Department of the Treasury for investigating the alleged theft, forgery or unlawful negotiation of supplemental security income checks.

20. To the Department of Education for determining the eligibility of applicants for Basic Educational Opportunity Grants.

21. To Federal, State or local agencies (or agents on their behalf) for administering cash or noncash income maintenance or health maintenance programs (including programs under the Social Security Act). Such disclosures include, but are not limited to, release of information to:

(a) The Veterans Administration upon request for determining eligibility for or amount of VA benefits or verifying other information with respect thereto;

(b) The Railroad Retirement Board for administering the Railroad Unemployment Insurance Act;

(c) State agencies to determine eligibility for Medicaid;

(d) State agencies to locate potentially eligible individuals and to make determinations of eligibility for the food stamp program; and

(e) State agencies to administer energy assistance to low income groups under programs for which the States are responsible.

22. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

23. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

24. Upon request, information on the identity and location of aliens may be disclosed to the Department of Justice (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating and, where necessary, taking legal action against suspected Nazi war criminals in the United States.

25. To third party contacts (including private collection agencies under contract with the Social Security Administration (SSA)) for the purpose of their assisting SSA in recovering overpayments.

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

STORAGE:

Records are maintained in magnetic media (e.g., magnetic tape) and microform media.

RETRIEVABILITY:

Records are indexed and retrieved by Social Security number.

SAFEGUARDS:

All magnetic tapes and magnetic discs are within an enclosure attended by security guards. Anyone entering or leaving that enclosure must have special badges which are only issued to authorized personnel. All authorized personnel having access to the magnetic records are subject to the penalties of the Privacy Act. The microfiche are stored in locked cabinets, and are accessible to employees only on a need-to-know basis. All Supplemental Security Income Records (State Data Exchange records) are protected in accordance with agreements between the Social Security Administration and the respective States regarding confidentiality, use, and redisclosure. (See Appendix J for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Original input transaction tapes received which contain initial claims and posteligibility actions are retained indefinitely although these are processed as received and incorporated into processing tapes which are updated to the master SSI tape file on a monthly basis. All magnetic tapes appropriate to SSI information furnished specified Federal, State, and local agencies for verification of eligibility for benefits and under section 1631(e) are retained, in accordance with the Privacy Act accounting requirements, for at least 5 years or the life of the record, whichever is longer.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirement and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to or visiting the most convenient Social Security district or branch office (see Appendix F.1 for address information) and providing name and Social Security number. (Furnishing the Social Security number is voluntary, but it will make searching

for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of or access to a minor's medical record shall at the time he or she makes the request designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Data contained in the Supplemental Security Record is obtained for the most part from the applicant for SSI payments and is derived from the Claim Folder system (09-60-0089). The States also provide data affecting the Supplemental Security Record (State Data Exchange Files).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0110

SYSTEM NAME:

Supplemental Security Income File of Refunds, HHS/SSA/OURV.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of User Requirement and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

Social Security Administration, Office of System Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains a record of each individual who has refunded a Supplemental Security Income payment to which he/she was not entitled or that was received as a result of an overpayment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains information about refunds sent in by persons who were overpaid or not entitled to Supplemental Security Income payments they received. Specific information is name of individual, Social Security number, date of refund, and amount of refund.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1602, 1611, and 1631 of Title XVI of the Social Security Act.

PURPOSE(S):

This file is established after supplemental security income refunds received have been recorded and deposited in the Federal Reserve bank. The money refunded is broken into Federal share and State share for accounting purposes.

The information in this system is keyed directly onto tapes which are kept in SSA's tape library. The tapes are used to prepare cross reference listing and to input information into the system.

Manual records are used to prepare responses to inquiries from district offices.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. State audit agencies pursuant to agreements with HHS for auditing State supplementation payments.

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

STORAGE:

Records are stored in magnetic media (e.g., magnetic tape) and paper form.

RETRIEVABILITY:

Listings are referenced by Social Security number. The source document is filed by bank deposit schedule number; the cross reference listing, in Social Security number sequence, by month.

SAFEGUARDS:

The source documents and listings are kept in an area which is secured at night—doors locked. Information is furnished only to other Social Security Administration components with limited access by employees who have a need for the records in the performance of their official duties. The magnetic tapes are retained in secure storage areas accessible only to authorized persons within the Office of Systems. The storage area is controlled by marshalls responsible for insuring that only authorized personnel are admitted. Official identification badges or passes are required to gain entrance to the storage area. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The source documents and listings are being held indefinitely. Eventually they will be retired to the Federal Record Center. The tapes are stored in the Social Security tape library.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirement and Validation, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by providing his or her name, Social Security number, pertinent information about his or her case, and the name of this system to the system manager at the address shown above. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The receipt form completed by an employee in the Social Security district/branch office plus the actual check, money order, etc., used to remit the money.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0111

SYSTEM NAME:

Debit Voucher File (Supplemental Security Income), HHS/SSA/OURV.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of User Requirement and Validation, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The file contains a record for aged, blind, or disabled individuals who have negotiated two checks for the same month incorrectly.

CATEGORIES OF RECORDS IN THE SYSTEM:

The SF-1082, Voucher and Schedule of Withdrawals and Credits, is sent to the Office of Management, Budget and Personnel from the Department of Treasury billing the Social Security Administration for additional monies expended on their behalf. It contains the identification of the individual, name and social security number, and amount of money involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1602, 1611 and 1631 of Title XVI of the Social Security Act.

PURPOSE(S):

This system is used to maintain photocopies of erroneously negotiated supplemental security income checks as well as copies of bounced checks which the Treasury Department sends to the Social Security Administration (SSA), which SSA district and branch files and use for future reference when they attempt to collect the money from the individual. The money amount is allocated to the Federal share and State share for accounting purposes.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To State audit agencies pursuant to agreements with HHS for auditing State supplementation payments.

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

STORAGE:

Records are stored in paper form.

RETRIEVABILITY:

Information in this system is indexed and retrieved by Social Security number

SAFEGUARDS:

Access limited to employees on need to know basis. Area secured at night—doors locked. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The records are being held indefinitely. They will eventually be retired to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of User Requirement and Validation, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by providing his or her name, Social Security number, pertinent information about his or her case, and the name of this system to the system manager at the address shown above. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR 5b.

RECORD SOURCE CATEGORIES:

Information if obtained from the Bureau of Government Financial Operations of the Department of the Treasury.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0117

SYSTEM NAME:

Age at First Payment of Retirement Insurance Benefit, HHS/SSA/OACT.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of System Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

Recently entitled Retirement Insurance beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payment history and demographic information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act (42 U.S.C. Sec. 902).

PURPOSE(S):

Information in this system is used for statistical purposes.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

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

STORAGE:

Data are stored on magnetic tape.

RETRIEVABILITY:

Individual records are identified by claim account number (Social Security number plus alphabetic code).

SAFEGUARDS:

All magnetic tapes are retained in secure storage areas accessible only to authorized persons within the Bureau of Data Processing and Data Development. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals. (See Appendix J to this publication for additional information relating to

safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

This system is updated infrequently and magnetic tapes are returned to blank stock.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief Actuary, Short-Range Estimates, Office of the Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the system manager at the address shown above and providing his or her claim account number. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records in this system are derived from another Social Security system, The Master Beneficiary Record, 09-60-0090.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0118

SYSTEM NAME:

Non-Contributory Military Service Reimbursement System, HHS/SSA/OP.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A sample of beneficiaries who have non-contributory military service credits.

Categories of records in the system: Information in this system consists of the beneficiary's name and claim account number (Social Security number plus alphabetic code) and information concerning covered earnings, benefits and payment status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 217, 229, and 231 of the Social Security Act.

PURPOSE(S):

Data in this system are used for statistical purposes.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

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

STORAGE:

Data are stored on magnetic tape.

RETRIEVABILITY:

The file is indexed with the CAN (Social Security number plus alphabetic code).

SAFEGUARDS:

All magnetic tape files are retained in secure storage areas accessible only to authorized persons who have a need for the files to perform their assigned duties. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

This system is updated annually. The records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief Actuary, Short-Range Estimates, Office of the Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the system manager at the address shown above. When requesting notification, the individual should provide his or her name and CAN (Social Security number plus alphabetic code). These procedures are

in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Data in this system are derived information in other SSA systems of records, namely, the Earnings Recording and Self-Employment System (09-60-0059), Claim Folders (09-60-0089) and Master Beneficiary Record (09-60-0090).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0119

SYSTEM NAME:

Special Age 72 Benefit Trust Fund Transfer Project, HHS/SSA/OP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system covers all individuals entitled to benefits under the Prouty amendments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of information pertaining to benefit entitlement, demographic information, and earnings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 223 of the Social Security Act.

PURPOSE(S):

The purpose of this system is to maintain information which is used to determine an amount of money to be transferred from General Revenue to the Old Age and Survivors Insurance Trust Fund.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

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

STORAGE:

Data are stored on magnetic tape.

RETRIEVABILITY:

Individual records are identified by claim account number (Social Security number plus alphabetic symbol).

SAFEGUARDS:

All magnetic tapes are retained in secure storage areas accessible only to authorized personnel. All employees having access to records have been notified of criminal sanctions for unauthorized disclosures of information on individuals. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal records.)

RETENTION AND DISPOSAL:

This system is updated periodically and magnetic tapes are erased and returned to blank stock.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief Actuary, Short-Range Estimates, Office of the Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by providing his or her claim account number to the system manager at the address shown above. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These

procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records in this system are derived from other SSA systems, namely the Earnings Recording and Self-Employment Income System (09-60-0059) and the Master Beneficiary Record (09-60-0090).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0128

SYSTEM NAME:

Retirement, Survivors and Disability Insurance Claims Study, HHS/SSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235
Social Security Administration, Office of Assessment, Office of Payment and Eligibility Quality, 6401 Security Boulevard, Baltimore, Maryland 21235
Social Security Administration, Program Service Centers (See Appendix A for addresses)
Social Security Administration, Division of International Operations, P.O. Box 1756, Baltimore, Maryland 21203.
and
Social Security Administration, Office of Disability Operations, Baltimore, Maryland 21241

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

National stratified probability sample of individuals allowed or denied benefits, as well as those awarded lump sum death benefits, beginning November 1964 for Retirement and Survivors claims, May 1966 for Disability claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic characteristics of beneficiary, description of allegations, evidence and findings, and case control data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205 of the Social Security Act.

PURPOSE(S):

This is a study to evaluate the effectiveness of Retirement, Survivors, and Disability Insurance program policies. Data from this study are compiled for evaluative purposes, and subsequently stored in the claims folders. A lverse data received in the conduct o this study may be used to

review earlier claims or post-adjudicative decisions.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To third parties for verification of information given by claimants.
3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

STORAGE:

The records are maintained on magnetic tape and in paper form.

RETRIEVABILITY:

Records are indexed by identification sequence number.

SAFEGUARDS:

All folders are kept in secure areas, accessible only to authorized staff (i.e., statisticians, analyst, and programmers). For computerized records, safeguards are established in accordance with the Department of Health and Human Services Automated Data Processing Manual, "Part 6, ADP System Security." (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Disposal of file folders is conducted in accordance with Social Security Administration guidelines for Title II claims, while magnetic tapes are held for 5 years before being erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Payment and Eligibility Quality, Office of Assessment, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to the system manager at the address shown above. When requesting notification, the individual should provide the name of this system, Social Security number and

for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, the month and year in which the individual was allowed or denied benefits (Retirement or Disability). These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records in this system are derived from other SSA systems: e.g., the Earnings Recording and Self-Employment System (09-60-0059), Claim Folders (09-60-0089) and Supplemental Security Income Record (09-60-0103); and survey data collected by Social Security employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0129

SYSTEM NAME:

Adjudication of Supplemental Security Income Policy Analysis Review, HHS/SSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235
Social Security Administration, Office of Assessment, Office of Payment and Eligibility Quality, 6401 Security Boulevard, Baltimore, Maryland 21235
Social Security Administration, Program Service Centers, (See Appendix A for addresses)
Social Security Administration, Division of International Operations, P.O. Box 1756, Baltimore, Maryland 21203
and
Social Security Administration, Office of Disability Operations, Baltimore, Maryland 21241

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

National stratified probability sample of individual allowed or denied Supplemental Security Income benefits since January 1975.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic characteristics of the beneficiary, description of allegations, evidence and findings, and case control data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205 and 1631 of the Social Security Act.

PURPOSE(S):

This is a study to evaluate the effectiveness of supplemental security income program policies. Data from this study are compiled for evaluation purposes and subsequently stored in the claim folders system (09-60-0089). Adverse data received in the conduct of this study may be used to review earlier claims or post-adjudicative decisions.

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

Disclosure may be made for routine uses as indicated below:

1. To third parties for verification of information given by claimants.
2. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

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

All records are stored on magnetic tape.

RETRIEVABILITY:

Records are indexed by identification sequence number.

SAFEGUARDS:

All folders are kept in secure areas, accessible only by authorized staff (i.e. statisticians, analyst, and programmers). For computerized records, safeguards are established in accordance with the Department of Health and Human Services Automated Data Processing Manual, "Part 6, ADP System Security." (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Disposal of file folders is conducted in accordance with Social Security

Administration guidelines for Title XVI claims, while magnetic tapes are held for 5 years before being erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Payment and Eligibility Quality, Office of Assessment, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the system manager at the address shown above. When requesting notification, the individual should provide the name of this system, Social Security number, and, for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, the month and year in which the individual was allowed or denied supplemental security income payments. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records in this system are derived from other SSA systems, e.g.: Earnings Recording and Self-Employment Income System (09-60-0059), Claim Folders (09-60-0089) (title II and title XVI claims folders), Master Beneficiary Record (09-60-0090), and Supplementary Security Income Record (09-60-0103); and survey data collected by Social Security employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0148

SYSTEM NAME:

Matches of Internal Revenue Service and Social Security Administration Data with Census Survey Data (Joint Social Security Administration/Census Statistics Development Project), HHS/SSA/OP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235
Social Security Administration, Office of Research and Statistics, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009
and
Bureau of the Census, Suitland, Maryland 20233

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Samples of United States civilian population and those Armed Forces personnel residing with their families as of March 1975-1980 and subsequent periods.

CATEGORIES OF RECORDS IN THE SYSTEM:

Basic demographic characteristics from Census survey-labor force, work experience and income items from the survey; Social Security Administration earnings and benefit record information; selected Internal Revenue Service tax return items.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act (42 U.S.C., Section 902), and Title 13 U.S. Code, section 182 for Census participation.

PURPOSE(S):

This data file is used as the basis of microsimulations of tax and transfer programs. These microsimulations provide policy makers with information about the costs and effects of proposed changes in the social security tax and benefit structures and in the Federal income tax program. It also is used to estimate the number of non-filers and the magnitude of the effects of noncompliance with IRS and SSA regulations. During those matching steps which occur at the Social Security Administration, identifiable data is solely under the control of a limited number of Social Security employees who are required to uphold the Census and IRS statutes as well as the confidentiality restrictions of the Social Security Administration. Similar provisions are made for the handling of identifiable data from the project at the Census Bureau. Contractors provide storage of and remote terminal access to files which do not carry identifiers.

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

Disclosure may be made for routine uses as indicated below:

(Through the Census Bureau) to a congressional office in response to an inquiry from that office made at the request of the subject of a record. Tax return information may be disclosed only with the expressed authorization of the Internal Revenue Service.

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

STORAGE:

Records are stored on magnetic tape and in paper form.

RETRIEVABILITY:

Records are indexed by Social Security number during the matching steps at the Social Security Administration and Census but identifiers are not retained at the Social Security Administration after matching is completed.

SAFEGUARDS:

Safeguards are established in accordance with the HHS ADP System Manual, Part 6, ADP System Security. Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals.

Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Following the match, all identifiers are removed from the records kept at the Social Security Administration. The Census Bureau retains identifiers for possible longitudinal updating.

Records with identifiers will be held in secure storage areas at the Census Bureau and will be disposed of as soon as they are determined to be no longer needed for Census or SSA analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc.

As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Statistics, Social Security Administration, Universal North Building/Room 1121, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009.

NOTIFICATION PROCEDURE:

This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA program should consult other SSA systems of records which contain more detailed information. However, individuals may obtain notification of or access to information that may be maintained during processing stages in this system, by writing to the system manager (at the above address) and providing the name of this system, their name and Social Security number and a description of the information being sought. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) Also, to verify identity, he/she should provide name, address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Except in transitory stages of preparation, files at SSA which are based on Census or Internal Revenue Service samples do not have personal identifiers, and cannot be located on an individual basis. Records with identifiers maintained at the Bureau of Census are considered by Census to be exempt from access.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulation 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records in this system are derived from other Social Security Administration systems, the Earnings Recording and Self-Employment Income System (09-60-0059) and Master Beneficiary Record (09-60-0090), Internal Revenue tax returns; and Census surveys.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0149

SYSTEM NAME:

Matches of Internal Revenue Service and Social Security Administration Data (Joint Social Security Administration/Treasury Department Office of Tax Analysis, Statistics Development Project), HHS/SSA/OP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235
Social Security Administration, Office of Research and Statistics, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009
and
Department of the Treasury, 15th & Pennsylvania Ave., N.W., Washington, D.C. 20220

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Samples of persons by or on whose behalf Federal income or estate tax returns, or wages or self-employment earnings reports have been filed for 1970, 1972, 1975, 1977, 1979 and selected subsequent years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security Administration demographic data; Social Security Administration earnings information; and tax return data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act (42 U.S.C., Section 902) and section 6103 of the Internal Revenue Code (26 U.S.C. 6103) for Treasury participation.

PURPOSE(S):

These files are used to develop data based for SSA's Office of Research and Statistics studies of economic behavior, mortality, wealth, and occupation in the context of the income maintenance system; and for micro-economic analysis of income distribution. These data bases are used by the Office of Research and Statistics jointly with the Department of the Treasury's Office of Tax Analysis without identifiers for research and statistical projects sponsored by the Office of Research and Statistics, the Office of Tax Analysis and the Internal Revenue Service. Files without identifiers are used for statistical analysis.

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

Disclosure may be made for routine uses as indicated below:

1. (Through the Treasury Department) to a congressional office in response to an inquiry from that office made at the request of the subject of a record. Tax return information is disclosed only with the expressed authorization of the Internal Revenue Service.

2. To the Department of the Treasury, Office of Tax Analysis, in connection with statistical studies conducted for Social Security Administration and Department of the Treasury purposes.

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

STORAGE:

Records are stored on magnetic tape.

RETRIEVABILITY:

Records are indexed by Social Security number during the searching steps at the Social Security Administration. Identifiers are retained at the Office of Tax Analysis for matching purposes which are carried out entirely at Treasury.

SAFEGUARDS:

Safeguards are established in accordance with the HHS ADP System Manual, Part 6, ADP System Security. Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity. Special update files prepared for use in database management systems are purged. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Identifiable data are retained by the Social Security Administration only during the search process. Once searching is complete all computer tapes are turned over to the Treasury Department.

A matched SSA-Treasury file without identifiers is available to SSA and Treasury for research use. SSA does not have detailed Internal Revenue Service data with identifiers at any point in the

matching process. The minimum amount of Internal Revenue Service data with identifiers needed to validate the processing is used by the Social Security Administration. Identifiers may be retained on the Treasury copies of intermediate and matched files in secure storage.

The retention of these identifiers is needed exclusively for possible further matching; e.g., with similar data for different years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Statistics, Social Security Administration, Universal North Building/Room 1121, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009

NOTIFICATION PROCEDURE:

This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA program should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information that may be maintained during processing stages in this system, he/she should write to the system manager (at the above address) and provide the name of this system, his/her name and Social Security number and a description of the information being sought. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) Also, to verify identify, he/she should provide address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Except in transitory stages of preparation, files at SSA do not have personal identifiers, and cannot be located on an individual basis.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records are derived from other Social Security Administration systems; e.g., the Master Files of Social Security Number Holders (09-60-0058), Earnings Recording and Self-Employment Income

Record (09-60-0059), Master Beneficiary Record (09-60-0090); and Internal Revenue Service Federal income and estate tax returns.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0159

SYSTEM NAME:

Continuous Work History Sample (Statistics), HHS/SSA/OP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235

and

Parklawn, 5600 Fishers Lane, Rockville, Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A sample of persons with social security numbers issued through the cutoff date of the file. Included are those persons working for the Federal government and those covered by the Railroad Retirement Act, as well as those covered under social security.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic characteristics; employer information; type of work information; earnings information; self-employment information; insured status information; benefit status; and geography information (residence).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act. (42 U.S.C. sec. 902).

PURPOSE(S):

This system provides a one percent overview of SSA programs. With identifiers, the system is used by Office of Research and Statistics (ORS) staff in analysis and research of SSA programs, workloads, and revenue. Purged of identifiers, it has been an important resource for HHS planning and evaluation and for health research in the Health Care Financing Administration and the Public Health Services. Its wide scope and coverage of the income structure of the United States, make the data from the system useful to many agencies, including the Census Bureau and the Bureau of Economic Analysis, as a fundamental source of data.

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

Disclosure may be made for routine uses as indicated below:

1. To the Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act and for studies on the effectiveness of training programs to combat poverty.
2. To the Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to this system of records.
3. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
4. To a Federal or State agency (or its agent) lawfully charged with the administration of a Federal or State unemployment compensation law or contribution or tax levied in connection therewith, for the purpose of such administration but solely for use in compiling statistics to be used in aggregated or anonymous forms.

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

STORAGE:

Data are stored on magnetic tape.

RETRIEVABILITY:

The file is indexed and retrieved by use of the Social Security number.

SAFEGUARDS:

Safeguards are established in accordance with the HHS ADP System Manual, Part 6, ADP System Security. Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

This is a longitudinal sample. Records with identifiers will be retained as long as needed to permit addition of future earnings and other Social Security Administration program data for individuals in sample. When no longer

needed, the tape records are erased and returned to stock.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Statistics, Social Security Administration, 1875 Connecticut Avenue NW., Washington, D.C. 20009.

NOTIFICATION PROCEDURE:

This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA program should consult other SSA system of records which contain more detailed information. However, if the individual wishes notification of or access to information that may be maintained during processing stages in this system, he/she should write to the system manager (at the above address) and provide the name of this system, his/her name and Social Security number and a description of the information being sought. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) Also, to verify identity, he/she should provide address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records are derived from other Social Security Administration systems: e.g., the Master Files or Social Security Number Holders (09-60-0058), Earnings Recording and Self-Employment Income System (09-60-0059), Master Beneficiary Record (09-60-0090); quarterly earnings items file; and the Internal Revenue Service name and address file.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0184

SYSTEM NAME:

Hearing Officer Master Calendar, HHS/SSA/OHA.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

All Hearing Offices (See Appendix G for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants—title II (Retirement, Survivors and Disability); title XI (claimants subject to Professional Standards Review); title XVI (Supplemental Security Income); title XVIII (Health Insurance) and claimants for Black Lung benefits pursuant to provisions of the Federal Coal Mine Health and Safety Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

A list of all cases pending in the hearing office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205, 1631(d)(1) and 1872 of the Social Security Act, as amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

PURPOSE(S):

The purpose of this system is to enable the Hearing Office to ascertain the location of cases within the Office of Hearings and Appeals and maintain control of the pending case load.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To the Department of Justice in the event of litigation where the defendant is:
 - (a) The Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity;
 - (b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or
 - (c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that

Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in paper form (e.g., folders in filing cabinets).

RETRIEVABILITY:

Records are retrieved by use of the Social Security number.

SAFEGUARDS:

Folders are kept in metal filing cabinets. Access to and use of the records are limited to those employees whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

As each case is disposed of, it is removed from the master calendar. Individual files are disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Room 402, 3833 North Fairfax Drive, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by providing his or her name, address and Social Security number to the address below. Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay: Social Security Administration, Office of Hearings and Appeals, P.O. Box 2518, Washington, D.C. 20013. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and

state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

From hearing office personnel and from information on incoming cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0186

SYSTEM NAME:

SSA Litigation Tracking System, HHS/SSA/OR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Regulations, Litigation Staff, 6401 Security Boulevard, Baltimore, Maryland 21235
and

Social Security Administration, Office of Systems Operations, 6401 Security Boulevard, Baltimore, Maryland 21235

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are involved, as plaintiffs or defendants, in civil litigation concerning one or more of the programs administered by the Social Security Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints filed by individuals against the Secretary of Health and Human Services; court orders and decisions regarding cases in litigation and related litigation materials (e.g., briefs, motions, internal memoranda).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205(a) Social Security Act (42 U.S.C. 405(a)).

PURPOSE(S):

Records maintained in this system are used by the SSA Litigation Staff in the course of their responsibilities for formulating and coordinating responses to interrogatories and recommendations regarding the appeal of adverse court decisions. These records also are used to enable Staff to review and analyze court decisions and to direct the implementation of interim and final court orders.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

STORAGE:

Records are maintained on paper copy and on magnetic tape.

RETRIEVABILITY:

The records are retrieved alphabetically by plaintiff's name and numerically by Social Security number.

SAFEGUARDS:

Paper files are maintained in locked file cabinets. Access to these files is limited to employees who require the files to perform their assigned duties. Magnetic tape records are maintained in a secured area attended by security guards. Access to the secured area is electronically controlled and limited to those employees who have a need to enter the area in the performance of their official duties. All personnel having access to the records have been informed of criminal sanctions for unauthorized disclosure of information relating to individuals. (See Appendix J to this publication for additional relating

to safeguards SSA employs to protect personal records.)

RETENTION AND DISPOSAL:

Normally, records will be retained for two years after the expiration of the appeal period, then destroyed. (Paper records are shredded and tape records erased.) Certain cases in which constitutional/policy issues are involved (e.g., Supreme Court cases) will be retained indefinitely by Litigation Staff. All other records will be transferred to the Office of Regulations Reference Room to be retained for historical purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the system manager at the address shown above. When requesting notification, the individual should provide his or her name, and for verification purposes, Social Security number, address, date of birth, and sex. Furnishing the Social Security number is voluntary, but it will make searching for the individual's record easier and avoid delay. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Systems of records maintained by SSA, namely Claim Folders (09-60-0089), Master Beneficiary Record (09-60-0090) and Security Income Record (09-60-0103); plaintiff's complaints, court orders, court decisions and court directives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0196

SYSTEM NAME:

Disability Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235
Bureau of the Census, Washington, D.C. 20233, Jeffersonville, Indiana 47130
and

Contractor sites: Addresses may be obtained by writing to the system manager at the address below

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Samples of persons who are present or potential recipients of SSA Disability payment/benefits, including specifically selected subsets of each category: applicants/participants in State vocational rehabilitation programs; and samples of other persons regardless of status of purposes of comparison in the above categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Socio-economic, demographic, medical and disability characteristics, attitudes, earnings and employment history, benefit information, and use of medical and rehabilitative services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act (42 U.S.C., Section 902); Title 13 of the U.S. Code, Section 182 for Census participation.

PURPOSE(S):

The purpose of this system is to collect data by the following methods: (1) extraction from program records (including records compiled at the State level); and (2) through surveys which may be augmented with program data. The SSA Office of Research and Statistics uses this data to examine the medical, economic, and social consequences of limitations in work activity for the disabled person and his/her family; from program planning and evaluation; for evaluation of proposals for policy and legislative changes; for determinations of the characteristics of program applicants and benefit recipients, etc.

Within SSA, tapes which have been purged of identifiers are used by the Office of Evaluation and the Office of Disability Programs. Public use extract tapes are furnished on request by mail to public and private organizations.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To a contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to this system of records.

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

STORAGE:

Records are stored in paper form (e.g., questionnaire forms, computer printouts and punch cards), on microfilm, and in magnetic media (e.g., magnetic tapes and discs).

RETRIEVABILITY:

Files are indexed by Social Security number or by Social Security Administration assigned case numbers. Files based on Census sample populations are indexed by Census assigned case numbers. These numbers are cross referenced at Census to social security numbers which are available only to census employees or SSA staff who are Census special sworn employees.

SAFEGUARDS:

Safeguards are established in accordance with the HHS ADP System Manual, Part 6, ADP System Security Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Hard copy questionnaires are destroyed when survey reports are completed. Records with identifiers are held in secure storage areas and are disposed of as soon as they are

determined to be no longer needed for SSA analysis. Means of disposal is appropriate to the record storage medium; e.g., erasure of tapes, shredding of printouts, etc. Periodic reviews are made to determine the need for retention. In longitudinal studies, working files are purged of identifiers and given randomly assigned case numbers. A separate link file is maintained in secure storage areas for updating with individual identifiers.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Statistics, Social Security Administration, Universal North Building/Room 1121, 1875 Connecticut Avenue NW., Washington, D.C. 20009.

NOTIFICATION PROCEDURE:

This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA programs may wish to contact other SSA systems of records which contain more detailed information.

However, if an individual wishes notification of or access to information in this system, he/she should write to the system manager (at the address above) and provide the name of this system, his/her name and Social Security number and a description of the information being sought. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) Also, to verify identity, he/she should provide address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Except in transitory stages of preparation, files at SSA which are based on Census samples do not have personal identifiers, and cannot be located on an individual basis. Records with identifiers maintained at the Bureau of Census are considered by Census to be exempt from access.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records are derived from other Social Security Administration systems; e.g.,

Earnings Recording and Self-Employment Income System (09-60-0059); Claims Folders System (09-60-0089) (disability case folders), etc.; and Master Beneficiary Record (09-60-0090); survey data collected by contractors; case service reports of the vocational rehabilitation agencies (R-300); Office of Hearings and Appeals Records Locator; Health Insurance Master Files; and SSA Administrative awards file. Bureau of the Census records may be used as a sampling frame.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0198

SYSTEM NAME:

Extramural Research Administrative File, HHS/SSA/OP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel described in research project proposals submitted for grant or contract consideration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Professional qualifications and other relevant information about project personnel. Direct and indirect information on individual salaries may be included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act (42 U.S.C. 902); Section 1110 of the Social Security Act (42 USC 1310).

PURPOSE(S):

With respect to administrative and personnel information kept on extramural research contracts and grants, the purpose is to ascertain the credentials of individuals and organizations proposing to do research for SSA, and to establish and maintain surveillance over the research projects being performed for SSA. This information is available to other components of SSA and HHS for administrative analysis.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the court or to a party in connection with any civil or criminal action to which the Secretary is a party or otherwise involving a program administered by the Social Security Administration.

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

STORAGE:

Data may be stored in paper form (e.g., punch cards, and printouts) and in magnetic media (e.g., magnetic tapes and discs).

RETRIEVABILITY:

Files are indexed by a Department of Health and Human Services-assigned number.

SAFEGUARDS:

Safeguards are established in accordance with the HHS ADP System Manual, "Part 6, ADP System Security." Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc.

As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Statistics, Social Security Administration, Universal North Bldg./Rm. 1121, 1875 Connecticut Avenue NW., Washington, D.C. 20009.

NOTIFICATION PROCEDURE:

If an individual wishes notification of or access to information that may be contained in this system, he/she should write to the system manager (at the address above) and provide the name of

the system, his/her name, Social Security number and a description of the information being sought. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) Also, to verify identity, he/she should provide address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Project proposals submitted for grant or contract consideration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0199

SYSTEM NAME:

Extramural Surveys (Statistics), HHS/SSA/OP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems Operations, 6401 Security Boulevard, Baltimore, Maryland 21235 and

Contractor sites: Addresses may be obtained by writing to the system manager (see below)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Samples of individuals who are current or potential recipients of benefits from Social Security and related programs; personnel administering Social Security Administration and related programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Socio-economic, demographic, medical and disability characteristics; attitudes concerning subjects such as health work experience, and family

relationships; earnings and employment history, benefits, use of medical and rehabilitative services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act (42 U.S.C., Section 902) and section 1110 of the social security act (42 U.S.C., section 1310).

PURPOSE(S)

The purpose of conducting extramural surveys at outside organizations for the Office of Research and Statistics is to obtain information on individuals who are current or potential recipients of benefits from social security and related programs. When the product is in the form of microdata it is available without personal identifiers to other SSA and HHS components for data processing and data manipulation.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To a contractor under contract to the Social Security Administration, or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to this system of records.

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

STORAGE:

Data may be stored in paper form (e.g., punch cards and computer printouts), on microfilm, and in magnetic media (e.g., magnetic tape and disc).

RETRIEVABILITY:

Files based on Social Security Administration sample populations are indexed by SSA-assigned case numbers or Social Security numbers. Files based on contractor sample populations are indexed by contractor-assigned case numbers which may be cross-referenced to Social Security numbers.

SAFEGUARDS:

Safeguards are established in accordance with the HHS ADP System Manual, "Part 6, ADP System Security." Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured

storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Hard copy questionnaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be retained only as long as needed for analysis.

Identifiers will be removed at the earliest possible time after data collection is completed. The need to retain identifiers will be evaluated at the time each survey is completed. Records with identifiers will be disposed of as soon as they are determined to be no longer needed. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc.

As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

In longitudinal studies, working files are stripped of identifiers and given randomly assigned case numbers. A separate link file will be maintained in secure storage for updating with individual identifiers.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Statistics, Social Security Administration, Universal North Building/Room 1121, 1875 Connecticut Avenue NW., Washington, D.C. 20009.

NOTIFICATION PROCEDURE:

This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA programs may wish to consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information in this system, he/she should write to the system manager (at the above address) and provide the name of this system, his/her name and Social Security number and a description of the information being sought. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) Also, to verify

identity, he/she should provide address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Survey data obtained by the contractor; SSA administrative records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0200

SYSTEM NAME:

Retirement and Survivors Studies, Surveys, Records, and Extracts (Statistics), HHS/SSA/OP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems Operations, 6401 Security Boulevard, Baltimore, Maryland 21235
Bureau of the Census, Washington, D.C. 20233, Jeffersonville, Indiana 47130
Social Security Administration, Office of Research and Statistics, 1875 Connecticut Avenue, NW., Washington, D.C. 20009
Datacrown/SDL, 12401 Columbia Pike, Silver Spring, Maryland 20904
and

Contractor sites: Addresses may be obtained by writing to the system manager (at the address below)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Sample groups of adults or children who are current, past or potential recipients of Social Security payments, or pension or survivor benefits from public or private sources; and samples of other persons or families regardless of recipient or benefit status for purposes of comparison with persons or families in the above categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Socio-economic, demographic, medical, insurance, welfare, attitudes, earnings, employment, and benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act (42 U.S.C., Section 902); Section 182, Title 13 of the U.S. Code for Census participation.

PURPOSE(S):

The purpose of this system is to collect data by the following methods: extraction from program records (including records compiled at the State level); and through surveys which may be augmented with program data. The statistical aggregated data provided by this system is used for program planning and evaluation purposes. Systems data typically exist with identifiers removed and are available to other SSA and HHS components for similar program analysis purposes.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to this system of records.

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

STORAGE:

Data may be stored in paper form (e.g., hardcopy questionnaires, punch cards and computer printouts) on microfilm, and in magnetic media (e.g., magnetic tape and disc).

RETRIEVABILITY:

Files are indexed and retrieved by use of the Social Security number or by SSA assigned case numbers. Files based on Census sample populations are indexed by Census assigned case numbers. These numbers are cross referenced at Census to Social Security numbers which are available only to Census employees or SSA staff who are Census special sworn employees.

SAFEGUARDS:

Safeguards are established in accordance with the HHS ADP System Manual, "Part 6, ADP System Security."

Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Hard copy questionnaires are destroyed when survey reports are completed. Records with identifiers are held in secure storage areas and are retained only as long as needed for SSA analysis.

Identifiers are removed at the earliest possible time, after data collected is completed. Records with identifiers are disposed of as soon as they are determined to be no longer needed. Means of disposal are appropriate to the record medium, e.g., erasure of tapes, shredding of printouts, etc.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Statistics, Social Security Administration, Universal North Building/Room 1121, 1875 Connecticut Avenue NW., Washington, D.C. 20009

NOTIFICATION PROCEDURE:

This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA programs should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information in this system, he/she should write to the system manager (at the above address) and provide the name of this system, his/her name and Social Security number and a description of the information being sought. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) Also, to verify identity, he/she should provide address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Except in transitory stages of

preparation, files at SSA which are based on Census samples do not have personal identifiers, and cannot be located on an individual basis. Records with identifiers maintained at the Bureau of Census are considered by Census to be exempt from access.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, individuals should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records in this system are derived from: SSA administrative records, e.g., the Earnings Recording and Self-Employment Income System (09-60-0059) and Master Beneficiary Record (09-60-0090); and survey data collected by contractor. Bureau of the Census records may be used as a sampling frame.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0202

SYSTEM NAME:

Old Age, Survivors and Disability Beneficiary and Worker Records and Extracts (Statistics), HHS/SSA/OP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems Operations, 6401 Security Boulevard, Baltimore, Maryland 21235
Datacrown/SDL, 12401 Columbia Pike, Silver Spring, Maryland 20904
and

Contractor sites: Addresses may be obtained by writing to the system manager (see below).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Groups of applicants for and recipients of Social Security Old-Age, Survivors, Disability and Black Lung benefits; persons with taxable earnings; persons issued Social Security numbers. Most files are samples of selected subgroups.

CATEGORIES OF RECORDS IN THE SYSTEM:

Socio-economic, demographic, medical and disability characteristics, earnings, employment history, benefits, and use of medical and rehabilitative services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act (42 U.S.C., Section 902).

PURPOSE(S):

The purpose of this system is to obtain research and statistical information about Social Security beneficiaries for use in various research and publication projects. Transfers to other components of HHS are made in summary form or with all identifiers suppressed.

Transfers within the Office of Research and Statistics are the only transfers that include identifiers, except for a routine use.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to this system of records.

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

STORAGE:

Data may be stored in paper form (e.g., hardcopy questionnaires, punch cards and computer printouts), in magnetic media (e.g., magnetic tape) and on microfilm.

RETRIEVABILITY:

Files are indexed and retrieved by use of the Social Security number.

SAFEGUARDS:

Safeguards are established in accordance with the HHS ADP System Manual, "Part 6, ADP System Security." Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity. (See Appendix J to the publication for additional information relating to safeguards the Social Security

Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for SSA analysis. Means of disposal will be appropriate to the record storage medium, e.g., erasure of tapes, shredding of printouts, etc.

As long as identifiable records exist, a periodic review will be made at least every two years to determine the need for their retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Statistics, Social Security Administration, Universal North Building/Room 1121, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009

NOTIFICATION PROCEDURE:

This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA programs should consult other SSA systems of records which contain more detailed information. However, if the individual wishes notification of or access to information in this system, he/she should write to the system manager (at the above address) and provide the name of this system, his/her name and Social Security number and a description of the information being sought. (Furnishing the Social Security number if voluntary, but it will make searching for an individual's record easier and avoid delay.) Also, to verify identity, he/she should provide address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records are derived from other SSA system; e.g., Earnings Recording and Self-Employment System (09-60-0059) and Master Beneficiary Record (09-60-0090); and other SSA records related to earnings and applications for, or payment of benefits. For selected employers, lists of persons working in covered employment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0203

SYSTEM NAME:

Supplementary Security Income (SSI) Studies, Surveys, Records and Extracts (Statistics), HHS/SSA/OP.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235
Social Security Administration, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009
Bureau of the Census, Washington, D.C. 20233, Jeffersonville, Indiana 47130
Datacrown/SDL, 12401 Columbia Pike, Silver Spring, Maryland 20904
and

Contractor sites: Addresses may be obtained by writing to the system manager (see below)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Sample groups and Supplemental Security Income population subsets of persons and families receiving or potentially eligible to receive welfare assistance under the SSI and related Federal/State welfare programs, including Aid to Families with Dependent Children, General Assistance, Emergency Assistance and Food Stamps and low-income energy assistance; samples of specially selected subsets of persons from the above programs; other persons or families, regardless of SSI or poverty status, for use within the same system of records for comparison purposes with persons or families in the above categories; Federal/State personnel responsible for the administration of SSI and related welfare programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Basic demographic characteristics; medical and disability information; socio-economic information; living conditions; attitudes; earnings and employment history; benefits; use of

medical and rehabilitative services; participation in and benefits received under SSI and related Federal/State welfare programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act (42 U.S.C. Section 902); Title 13 of the U.S. Code, section 182 for Census participation.

PURPOSE(S):

The purpose of this system is to collect data by the following methods: extraction from program records (including records compiled at the State level); and through surveys which may be augmented with program information. Basic data on SSI recipients and others are collected, analyzed and published by the SSA Office of Research and Statistics for program planning and evaluation purposes. Such information is then used in the budget process for legislative change and as a basis for studying the effectiveness of the SSI and related welfare programs in meeting the need of the target population served. Currently, access to microdata files with identifiers comprised of data from within this system is limited to Office of Research and Statistics researchers. Other components of HHS receive summary data or microdata without identifiers.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to this system of records.

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

Data may be stored in paper form (e.g., hard copy questionnaire, punch cards and computer printouts) on microfilm and in magnetic media (e.g., magnetic tape and disc).

RETRIEVABILITY:

Records are indexed and retrieved by use of the Social Security number.

SAFEGUARDS:

Safeguards are established in accordance with the HHS ADP System Manual, "Part 6, ADP System Security." Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Hard copy questionnaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be disposed of as soon as they are determined to be no longer needed for SSA analysis. Means of disposal are appropriate to the storage medium; e.g., erasure of tapes shredding of printouts, etc.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Statistics, Social Security Administration, Universal North Building/Room 1121, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009

NOTIFICATION PROCEDURE:

This system contains limited data selected for statistical analysis which individuals would not ordinarily be interested in. Individuals inquiring about their records in SSA programs should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information in this system, he/she should write to the system manager (at the above address) and provide the name of this system, his/her name and Social Security number and a description of the information being sought. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) Also, to verify identity, he/she should provide address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Except in transitory stages of preparation, files at SSA which are based on Census samples do not have personal identifiers, and cannot be located on an individual basis. Records with identifiers maintained at the Bureau of Census are considered by Census to be exempt from access.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Records in this system are derived from other SSA systems; e.g., Earnings Recording and Self-Employment System (09-60-0059), Claim Folders (09-60-0089) (disability case folders), Master Beneficiary Record (09-60-0090) and Supplemental Security Income Record (09-60-0103) (SSI applications); program records of other Federal/State welfare programs; and/or survey data collected by contractor; the Health Insurance Master File and related files of the HHS Health Care Financing Administration and other SSA administrative records; and case service reports of the vocational rehabilitation agencies. Bureau of Census records may be used as a sampling frame.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0206

SYSTEM NAME:

Repatriation Records System, HHS/SSA/OFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Family Assistance, Repatriation Program Staff, 2100 2nd Street, S.W., Room 111, Washington, D.C. 20201

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Citizens and their dependents returned from foreign countries by the Department of State because of mental or physical illness, destitution, war, threat of war or international crisis.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying data such as name, date and place of birth, social security

number, resources, employment, eligibility for other Federal, State or local programs and related data. Other categories include State and Regional reports, correspondence and accounting data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title XI of the Social Security Act, section 1113 and 24 U.S.C.A. section 321 et seq.

PURPOSE(S):

This system provides a basis for the expenditure of Federal funds. Information is used for the administration of the repatriation program, by HHS regional staff, State and local health and human services agencies, and other private and public agencies as required.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operation of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deem desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To State and local Human Services agencies and other private and public agencies for the purpose of providing services through the repatriation program.

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

Records are maintained in paper form (e.g., individual case folders).

RETRIEVABILITY:

Records are indexed and retrieved alphabetically by name.

SAFEGUARDS:

Access to an use of the records are limited to those persons whose official duties require such access. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training. The records are stored in metal cabinets with lock and key. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information).

RETENTION AND DISPOSAL:

The policy is to maintain records for one year after closure then transfer them to the Federal Records Center in Suitland, Maryland.

Records are maintained for five years by the Federal Records Center prior to destruction. Some records are maintained in the active files for considerably longer periods.

SYSTEM MANAGER(S) AND ADDRESS:

Repatriation Program Specialist, Repatriation Program Staff, OFA, SSA, HHS, 2100 2nd Street, S.W., Room 111, Washington, D.C. 20201

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him/her by contacting the official at the address under system manager above and providing his/her full name, date of birth and approximate date of repatriation. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information is secured from the individual, his relative, any person knowledgeable of his situation and from State and local Health and Human Services agencies and other private and public agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0209

SYSTEM NAME:

Readership Surveys of Office of Research and Statistics (ORS) Publications (statistics), HHS/SSA/OP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, 1875 Connecticut Ave NW., Washington, DC 20009

Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235

and

Contractor sites: addresses may be obtained by writing to the system manager (see below).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Groups of readers and potential readers of ORS publications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Type of access to publications, frequency and extent of use, relevance of publications to job and professional interests, socioeconomic and demographic characteristics, attitudes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 702 of the Social Security Act (42 U.S.C., Section 902).

PURPOSE(S):

The purpose of this system is to provide information about continued public use and reader interest as a measure of need for continued funding of publications programs.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To a contractor under contract to the Social Security Administration (SSA) or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to this system of records.

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

Data may be stored on hard copy questionnaire forms, microfilm, punchcards, magnetic tape, disc, or printouts.

RETRIEVABILITY:

Records are indexed and retrieved by name and/or by Social Security number or contractor-assigned case numbers.

SAFEGUARDS:

Safeguards are established in accordance with the HHS ADP System Manual, "Part 6, ADP System Security." Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Magnetic tapes or other files with personal identifiers, are retained in secured storage areas accessible only to authorized personnel. Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Hard copy questionnaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be retained only as long as needed for SSA analysis.

Identifiers will be removed at the earliest possible time after data collection is completed. The need to retain identifiers will be evaluated at the time each survey is completed. Records with identifiers will be disposed of as soon as they are determined to be no longer needed. Means of disposal will be appropriate to the records storage medium: e.g., erasure of tapes, shredding of printouts, etc.

As long as identifiable records exist, a periodic review will be made at least every 2 years to determine the need for their retention.

In longitudinal studies, working files are stripped of identifiers maintained in secure storage for updating with individual identifiers.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Statistics, Social Security Administration, Universal North Building, Room 1121, 1875 Connecticut Avenue NW., Washington, DC 20009

NOTIFICATION PROCEDURE:

This system contains limited data selected for statistical analysis which individuals would not normally be interested in. Individuals inquiring about their records in SSA programs should consult other SSA systems of records which contain more detailed information. However, if an individual wishes notification of or access to information in this system, he/she should write to the system manager (at the above address) and provide the name of this system, his/her name and social security number and a description of the information being sought. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.) Also, to verify identity, he/she should provide address and date of birth. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

Mailing lists maintained by ORS and by the Government Printing Office and survey data collected by SSA or contractor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0210

SYSTEM NAME:

Record of Individuals Authorized Entry to Secured Automated Data Processing (ADP) Area, HHS/SSA/OS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems Operations, Computer Center Building, 6401 Security Boulevard, Baltimore, Maryland 21235

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those individuals with a legitimate need who are authorized entry to secured automated data processing (ADP) areas.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the name, badge number, employer, access level, a unique five-digit identifying number, and a nine-digit number which is either the Social Security number or driver's license number for each individual authorized to enter the secured ADP area. The system also contains the date and time of actual or attempted entry to and exit from secured areas.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(e)(10).

PURPOSE(S):

This system is the basic system which we use to safeguard personal and sensitive records about individuals. Records in the system are used to restrict access to the Social Security Administration computer facility and other secured areas which house the records.

Data in the system also are used for management purposes to ensure the security of the computer facility and secured area.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deem desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Records in this system are stored in magnetic media (e.g., magnetic disk) and in paper form.

RETRIEVABILITY:

Magnetic media records are retrieved by a name, badge number and the unique five-digit identifying number; paper records are retrieved alphabetically by name.

SAFEGUARDS:

System security for this system has been established in accordance with the HHS ADP Manual, "Part 6, ADP System Security." This includes maintaining the computerized records in a highly secured room within a secured area and hard copy records in a locked room. Only authorized ADP personnel and the Directors with the Office of Systems Operations (or their authorized representatives) have access to the records. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

The records are retained for up to 3 years following expiration of an individual's authority to enter the secured area. Paper records are destroyed by shredding. When an individual is no longer authorized, information is deleted from magnetic media immediately.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Systems Operations, 6401 Security Boulevard, Baltimore, Maryland 21235

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by writing to the system manager at the above address. When requesting notification, the individual should provide his or her Social Security number, name, signature, or other personal identification and refer to this system. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

SSA obtains information in this system from the individuals who are covered by the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0212

SYSTEM NAME:

Supplemental Security Income Operational Quality Maintenance System, HHS/SSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Each Supplemental Security Income Analysis Branch (SSIAB) one of which is located in each of the 10 SSA Field Assessment Offices (FAO's) and Central Office in Baltimore, Maryland. See Appendix M for address information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of Supplemental Security Income (SSI) payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information consists of the applicant's or recipient's name, social security number, date application or action is processed, payment status, type of case, and, if a deficiency is found, the type and source of the error.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 702 and 1631 of the Social Security Act.

PURPOSE(S):

SSA regional management uses data derived from this system to measure and rank the quality of their field offices' performance, to identify policies and procedures that are being improperly interpreted and to identify training needs. These purposes are served on a national basis through analysis of the data by the Social Security Administration Office of Assessment at central office in Baltimore, Maryland.

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

Disclosure may be made for routine uses as indicated below:

To a congressional office in response to an inquiry from office made at the request of the subject of a record.

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

Records are stored in paper form (e.g., case or file folders), in magnetic media (e.g., disk cartridges) and on cassette tapes.

RETRIEVABILITY:

Records are indexed and retrieved numerically by Social Security number.

SAFEGUARDS:

Claims review data input forms (paper) are stored in locked file cabinets. Automated records are maintained in accordance with the HHS ADP System Manual, "Part 6, ADP System Security." This includes maintaining the records in an enclosure attended by security guards and limiting access to the records to authorized personnel who have a need for them in the performance of their official duties. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Paper records are retained for 6 months and then destroyed by shredding. Disk cartridges and cassette tapes are retained for 12 months and then erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Assistance and Records Operations Quality, Office of Assessment, P.O. Box 17040, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by writing to the system manager at the above address or writing to the Field Assessment Officers listed in Appendix M. When requesting notification, individuals should provide their names and Social Security numbers. (Furnishing the Social Security number is voluntary but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, the individual should reasonably specify the information he/she is accessing.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, the individual should reasonably identify the record, specify the information he/she is contesting and state the corrective action sought and the reasons for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

Information in this system is derived from an existing system maintained by SSA, the Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security Benefits, HHS/SSA/OOPP, 09-60-0089, and from review findings and analyses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0213

SYSTEM NAME:

Quality Review of Hearing Process, HHS/SSA/OHA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Hearings and Appeals, 3833 North Fairfax Drive, Arlington, Virginia 22203
and

Social Security Administration, Office of Systems Operations, 6401 Security Boulevard, Baltimore, Maryland 21235

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants/applicants for Social Security and Black Lung benefits and Supplemental Security Income payments; and Administrative Law Judges.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system consist of claimant's name and Social Security number, claim type, hearing type, administrative law judge code, case processing locations and dates, administrative law judge and Appeals Council actions, claimant demographic and diagnostic information, aspects of case handling, identifiers which determine to what sample the case belongs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 221(c), 702, 1631(d)(1), and 1872 of the Social Security Act, as

amended, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

PURPOSE(S):

This system is used by the Office of Hearings and Appeals to analyze the handling of cases at the hearing level and in the preparation of studies and reports used to improve the hearing process.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1954, as amended.

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

Records are stored in magnetic media (e.g., magnetic tape and disks) and in paper form.

RETRIEVABILITY:

Records are retrieved by either the Social Security number and by Administrative Law Judge code.

SAFEGUARDS:

System security for this system is maintained in accordance with the HHS ADP System Manual, "Part 6, ADP System Security." SSA employees are

able to access data elements only on a "need-to-know" basis. This includes maintaining the magnetic tape and disk records in an enclosure attended by security guards. Anyone entering or leaving the area must have a special badge which is issued only to personnel authorized to enter the area. All employees are instructed in Social Security Administration confidentiality rules as part of their initial orientation training. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal information.)

RETENTION AND DISPOSAL:

Automated records are retained for a period of 10 years and then erased. The retention period for paper and card records (including source documents) are as specified in the SSA Administrative Directives Guide Retention and Disposal Schedule for records. Generally, the records may be retained from 6 months to 5 years. The records are disposed of by shredding when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, 3833 North Fairfax Drive, Arlington, Virginia 22203

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to the following address:

Director, Office of Appraisal, Office of Hearings and Appeals, 4040 North Fairfax Drive, Arlington, Virginia 22203

When requesting notification, the individual should provide name, address and Social Security number. (Furnishing the Social Security number is voluntary, but it will make searching for an individual's record easier and avoid delay.)

An individual who requests notification of or access to a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a minor's medical record shall, at the time he or she makes the request, designate a physician or other health professional (other than a family member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These

procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Also, requesters should reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The main source of data in this system is information in the system of records entitled Claim Folders system (09-60-0089). Another source of data is information furnished by claimants/applicants under the Retirement, Survivors, and Disability Insurance programs, the Supplemental Security Income program, the Black Lung program, representatives of such individuals, (where appropriate), Social Security offices, and other Federal, State, and local agencies. Data also comes from private sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0214

SYSTEM NAME:

Personal Identification Number File (PINFile) HHS/SSA/OA.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Social Security Administration (SSA) employees, some Disability Determination Services (DDS) employees, Health Care Financing Administration (HCFA) employees, carriers and intermediaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Timekeeper number, name of employee (first 3 letters of last name), Social Security number, personal identification numbers and passwords for validation purposes, function code,

concentrator service area and access profile information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205(a) of the Social Security Act and 5 U.S.C. 552a(e)(10).

PURPOSE(S):

The PinFile is used to limit access to computer based SSA information resources to specific individuals and to specific transactions. Its purpose is to minimize the risk of unauthorized access to SSA's files of personal data.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.
2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deem desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose of which the records were collected.

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

STORAGE:

SSA maintains records in the PINFile on magnetic disk as part of the data communication system. The disk file is written to tape daily for backup purposes.

RETRIEVABILITY:

SSA retrieves records from the PINFile by name, social security number, personal identification number, and timekeeper number.

SAFEGUARDS:

Steps to minimize the unauthorized use of the PINFile include: (1) limiting access to data on file to regional and security officers and the SSA component

systems security officers and (2) monitoring additions, deletions, and changes to the PINFile through daily reports.

RETENTION AND DISPOSAL:

Disk files are permanent; the magnetic tape backup file maintained 7 operational days and then erased.

SYSTEM MANAGER(S) AND ADDRESS:

SSA Systems Security Officer, Social Security Administration, 6401 Security Boulevard, Room 1-0-25 Operations Building, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to the system manager at the address shown above and provide his or her Social Security number. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

SSA obtains information in the PINFile from the individuals, their supervisors, and from SSA time and attendance files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0216

SYSTEM NAME:

Indochina Refugee, Refugee Financial Assistance System, HHS/SSA/ORR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street SW., Washington, D.C. 20201
Department of State, R/POAR SA-2, Room 500, 515 22nd Street NW., Washington, D.C. 20520

and

Red Cross Refugee Locator Service, 4th Floor, 18th and D Streets NW., Washington, D.C. 20006

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are refugees from Indochina as defined in the authorizing legislation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system consists of the names of refugees, their identification numbers (ID), Immigration and Naturalization Service (INS) alien number, age, sex, English ability, marital and family status, education, occupational skills, health status, and administrative data (e.g., arrival date, voluntary resettlement agency, destination), and HHS refugee financial assistance data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Refugee Act of 1980, 94 Stat. 109 (8 U.S.C. 1521 et seq.).

PURPOSE(S):

Information in this system is used by the Social Security Administration (SAA) Office of Refugee Resettlement to administer the refugee program, including the development of statistical and other studies to facilitate program and policy analysis, evaluation, legislative recommendations, and to meet statutory reporting requirements.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is

compatible with the purpose for which the records were collected.

3. To the appropriate Federal, State or local agency responsible for investigating or prosecuting a violation or potential violation of civil, criminal or regulatory law, or responsible for enforcing or implementing a statute, regulation, rule or order which has been violated.

4. To the Department of Justice for the purpose of obtaining its advice in determining whether particular records are required to be disclosed under the Freedom of Information Act.

5. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records if needed to obtain a record relevant to an agency decision concerning the:

- (a) Hiring or retention of an employee;
- (b) Issuance of a security clearance;
- (c) Letting of a contract; or
- (d) Issuance of a license, grant or other benefit.

6. To a Federal agency, upon request, in connection with:

- (a) Hiring or retention of an employee;
- (b) Issuance of a security clearance;
- (c) Letting of a contract; or
- (d) Issuance of a license, grant or other benefit to the extent that the record is relevant and necessary.

7. To Federal agencies having the power to subpoena other Federal agencies' records when a subpoena is issued to HHS/SSA for records in this system of records.

8. To a contractor for the purpose of collating, analyzing, aggregating or otherwise refining records in the system of records. (The contractor shall be required to maintain Privacy Act safeguards with respect to such records.)

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

STORAGE:

Records are maintained in electromagnetic form (disk and tape) and in hard copy form.

RETRIEVABILITY:

Records concerning refugees are indexed by "A" (alien) number.

SAFEGUARDS:

Hardcopy records are maintained in limited access space. Computer records are maintained in accordance with the HHS Automated Data Processing Manual, "Part 6, ADP System Security." This includes restricting access to the records to computer records to authorized operating personnel who require the information contained in the

record to perform assigned duties. Also, all employees periodically are briefed on Privacy Act requirements and SSA confidentiality rules. (See Appendix J to this publication for additional information relating to safeguards the Social Security Administration employs to protect personal records.)

RETENTION AND DISPOSAL:

We maintain automated records for 10 years from date of creation, then offer them to National Archives. Printed records will be destroyed when updated information is received.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Refugee Resettlement, Social Security Administration, Room 1229 Switzer Building, 300 C Street SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by contacting the system manager at the address above and providing his or her alien number and year of birth. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters also should reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters also should identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained from the Department of State, the Intergovernmental Committee for Migration, national voluntary resettlement agencies, the Inter-Agency Task Force (through December 31, 1975), State welfare agencies, the Immigration and Naturalization Service, the Center for Disease Control and the American Council for Voluntary Agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-60-0217

SYSTEM NAME:

Cuban Refugee Registration Records, HHS/SSA/ORR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Refugee Registration—Miami, 701 Southwest 27th Avenue, Miami, Florida 33135.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cuban refugees who, on their own initiative, have registered at the Cuban Refugee Emergency Center in order to qualify for federal benefits under the Cuban Refugee Program. (Registration is not required.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this systems consists of the individual's name, names of family members, dates and places of birth, occupation and related data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Refugee Act of 1980, 94 Stat. 109 (8 U.S.C. 1521 et seq.).

PURPOSE(S):

Information in this system is used by the Social Security Administration Office of Refugee Resettlement to administer the refugee program, including the development of statistical and other studies to facilitate program and policy analysis, evaluation, legislative recommendations, and to meet statutory reporting requirements.

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

Disclosure may be made for routine uses as indicated below:

1. To voluntary resettlement agencies working under contract with the Federal Government in connection with possible resettlement of refugees from Miami to other locations.

2. To the Florida Division of Family Services to verify eligibility of refugee to apply for Cuban refugee assistance.

3. To State welfare, health or social services agencies to verify eligibility under the Cuban Refugee Program and to enable the State to claim Federal reimbursement for assistance provided.

4. To Federal law enforcement and security agencies, including the Federal Bureau of Investigation and the Immigration and Naturalization Service, when requested.

5. To Courts, when requested.

6. For statistical research and reporting, provided the record will be used solely as a statistical research or reporting record and is to be transferred in a form that is not individually identifiable.

7. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

8. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS, or any employee of HHS in his or her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his or her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records in this system are maintained on magnetic tape and punch cards.

RETRIEVABILITY:

Records are retrieved by name, Center file number and alien number.

SAFEGUARDS:

Locked areas, accessible only be record and data processing personnel to record areas, or accompanied by such personnel; guard service during non-office hours. Access to the records is limited to those employees who require the information contained in the record to perform assigned duties. Safeguards are established in accordance with the HHS ADP System Manual, "Part 6, ADP System Security."

RETENTION AND DISPOSAL:

Records are maintained for the duration of the program. No records are destroyed at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Miami Operations, Cuban Refugee Program, P.O. Box 340188, Miami, Florida 33134.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him or her by contacting the system manager at the address above and provide his or her alien number. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters also should reasonably

specify the records contents they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters also should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information is derived from the individual who is the subject of record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A—Retirement and Survivors Insurance Claims

1. Determining Appropriate Office to Contact

Records relating to Retirement and Survivor Insurance claims are a maintained primarily in six Program Service Centers throughout the country. The responsibility for the payment of benefits and the maintenance of records relating to claims is assigned to each office according to the first three digits of the Social Security number (SSN).

If the only individual entitled to Survivor's monthly benefits on one claim account number (the SSN plus an alphabetic code) also is entitled to a Retirement benefit on another claim account number, the office which is assigned the responsibility for the Retirement benefit claim also handles the Survivor claim. If the only individual on the record is entitled to a Survivor's benefit which has been reduced because the survivor is under age 59, and the individual also is entitled to a Disability benefit (which is larger), on another record, the Office of Disability Operations certifies the payments and maintains both records (see Appendix B.1 below). The Office of Disability Operations also is responsible for payment certification and record maintenance if the only survivor on a record is entitled as a childhood disability beneficiary and the survivor also is entitled to a Disability Insurance benefit on another record.

In addition, when one of the individuals in the record resides outside the United States or its possession, the responsibility for the payment certification and record maintenance is assigned to the Division of International Operations without reference to the

Social Security claim account number or the type of benefit. For information relating to these claims, individuals should contact the following address: Social Security Administration, Office of Central Operations, Division of International Operations, P.O. Box 1756, 6401 Security Boulevard, Baltimore, Maryland 21235.

With the exceptions noted above, the appropriate Program Service Center to contact can be determined by checking the first three (left side) digits of the Social Security number and comparing it to the chart below. For example, if the first three digits are 076, the appropriate Program Service Center to contact will be the Northeastern Program Service Center; similarly, if the first three digits were 437, the appropriate office would be Mid-America Program Service Center, and if they are 728, the appropriate office would be the Great Lakes Program Service Center.

If the first three digits fall within the range of:

001-134	contact the Northeastern Program Service Center
135-222	contact the Mid-Atlantic Program Service Center
223-231	contact the Southeastern Program Service Center
232-236	contact the Mid-Atlantic Program Service Center
237-267	contact the Southeastern Program Service Center
268-302	contact the Great Lakes Program Service Center
303-315	contact the Mid-America Program Service Center
316-399	contact the Great Lakes Program Service Center
400-428	contact the Southeastern Program Service Center
429-500	contact the Mid-America Program Service Center
501-504	contact the Western Program Service Center
505-515	contact the Mid-America Program Service Center
516-524	contact the Western Program Service Center
525	contact the Mid-America Program Service Center
526-576	contact the Western Program Service Center
577-584	contact the Mid-Atlantic Program Service Center
585	contact the Mid-America Program Service Center
586	contact the Western Program Service Center
587	contact the Southeastern Program Service Center
700-729	contact the Great Lakes Program Service Center

2. Office Addresses

Director, Northeastern Program Service Center, 96-05 Horace Harding Expressway, Flushing, New York 11368
 Director, Mid-Atlantic Program Service Center, 300 Spring Garden Street, Philadelphia, Pennsylvania 19123
 Director, Southeastern Program Service Center, 2001 Twelfth Avenue, North, Birmingham, Alabama 35285
 Director, Great Lakes Program Service Center, 600 West Madison, Chicago, Illinois 60606
 Director, Mid-America Program Service Center, 601 East Twelfth Street, Kansas City, Missouri 64106
 Director, Western Program Service Center, 1221 Nevin Avenue, Richmond, California 94802
 Social Security Administration, Office of Central Operations, Division of International Operations, P.O. Box 1756, Baltimore, Maryland 21203 and
 Social Security Administration, Office of Disability Operations, 1500 Woodlawn Drive, Baltimore, Maryland 21241.

3. Office Hours

Northeastern Program Service Center, 7:00-5:30
 Mid-Atlantic Program Service Center, 7:00-5:30
 Southeastern Program Service Center, 7:00-5:00
 Great Lakes Program Service Center, 7:00-5:30
 Mid-America Program Service Center, 7:00-5:00
 Western Program Service Center, 6:45-4:30
 Office of Central Operations, 7:00-5:30

Appendix B—Disability Insurance Claims

1. Central Office Reviewing Address

Records relating to Disability Insurance claims are maintained primarily by the: Social Security Administration, Office of Central Operations, Office of Disability Operations, 1500 Woodlawn Drive, Baltimore, Maryland 21241.

When the disabled individual is age 59 or older, the claim record generally is maintained in a Program Service Center (see Appendix A for address information).

When one of the individuals in the claim resides outside the United States, or any of its possessions, the record is maintained by the Division of International Operations at the following address: Social Security Administration, Division of

International Operations, P.O. Box 1756, Baltimore, Maryland 21203.

2. Related State Office Addresses

The Disability Insurance claims files may be temporarily transferred to State Disability Determination Services for initial or continuing disability determinations to be made. Vocational Rehabilitation Agencies in the States may also be involved with a disability claim from the training aspects. Individuals should contact agencies at the following addresses:

Alabama

State Department of Education, Division of Disability Determinations, Clairmont Office Plaza, 2800 8th Avenue, South, Birmingham, Alabama 35233.

Alaska

Disability Determinations Unit, Office of Vocational Rehabilitation, 4100 Spenard Road, Suite A, Anchorage, Alaska 99503.

Arkansas

Disability Determination for Social Security Administration, 701 Pulaski Street, 2nd Floor, Little Rock, Arkansas 72201.

California

Disability Evaluation Branch, 1414 K Street, Sacramento, California 95814.

Colorado

Department of Social Services, Division of Rehabilitation, Disability Determination Unit, 2121 Onieda Street, Denver, Colorado.

Connecticut

Division of Vocational Rehabilitation, Bureau of Disability Determination, 600 Asylum Avenue, 2nd Floor, Hartford, Connecticut 06105.

Delaware

Disability Determine Service, State Office Building, 820 North French Street, Wilmington, Delaware 19801.

District of Columbia

Disability Determination Division, Vocational Rehabilitation Administration, Department of Human Resources, 1411 K Street, N.W., 13th Floor, Washington, D.C. 20005.

Florida

Office of Disability Determination, Department of Health and Rehabilitation Services, 2600 Blair Stone Road, Room 350-B, Tallahassee, Florida 32301.

Georgia

Division of Vocational Rehabilitation, Disability Adjudication Section, Decatur Building, Suite 300, 200 Swanton Way, Decatur, Georgia 30089.

Guam

Division of Vocational Rehabilitation, 414 West Solodad Avenue, Agana, Guam 96910.

Hawaii

Disability Determination Branch, Vocational Rehabilitation and Service for the Blind Division, Kapiolani Commercial Center, Suite 660, 1580 Makaloa Street, Honolulu, Hawaii 96814.

Idaho

Disability Determination, 1505 McKinney, Boise, Idaho 83704.

Illinois

Division of Vocation Rehabilitation, Disability Determination Service, P.O. Box 3842, Springfield, Illinois 62708.

Indiana

Disability Determination Division, P.O. Box 7069, Indianapolis, Indiana 46207.

Iowa

Rehabilitation Education and Services Branch, Disability Determination Division, 510 East 12th Street, Des Moines, Iowa 50319.

Kansas

Disability Determination Services, Division of Vocational Rehabilitation, 2036 S.E. 30th Street, Topeka, Kansas 66605.

Kentucky

Department of Human Resources, Bureau for Social Insurance, Division for Disability Determination, P.O. Box 1000, Frankfort, Kentucky 40602.

Louisiana

Disability Determination, 530 Lakeland Drive, Baton Rouge, Louisiana 70802.

Maine

Disability Determination, Capitol Shopping Center, Western Avenue, 2nd Floor, Augusta, Maine 04330.

Maryland

Disability Determination Services, Division of Vocational Rehabilitation, P.O. Box 17011, Baltimore, Maryland 21203.

Massachusetts

Massachusetts Rehabilitation Commission, Disability Determination

Service, 6 Hamilton Place, Boston, Massachusetts 02108.

Michigan

Disability Determination Service, P.O. Box 30011, Lansing, Michigan 48909.

Minnesota

Disability Determinations Unit, Division of Vocation Rehabilitation, Metro Square Building, Suite 460, Seventh and Roberts Streets, St. Paul, Minnesota 55101.

Mississippi

Disability Determination Unit, State Department of Education, P.O. Box 1271, Jackson, Mississippi 39205.

Missouri

Disability Determination Service, 2401 East McCarty, Jefferson City, Missouri 65101.

Montana

Disability Determination Bureau, Rehabilitative Services Division, P.O. Box 4189, Helena, Montana 59601.

Nebraska

Disability Determination Services, 6th Floor, State Office Building, 301 Centennial Mall, South, Lincoln, Nebraska 68508.

Nevada

Bureau of Disability Adjudication, Rehabilitation Division, 505 East King Street, State Capital Complex, Room 403, Carson City, Nevada 89710.

New Hampshire

Disability Determination Unit, Vocational Rehabilitation Division, P.O. Box 452, Concord, New Hampshire 03301.

New Jersey

Division of Disability Determinations, Department of Labor and Industry, P.O. Box 649, Newark, New Jersey 07101.

New Mexico

Disability Determination Unit, P.O. Box 4588, Albuquerque, New Mexico 87196.

New York

Bureau of Disability Determination, State Department of Social Services, 110 William Street, New York, New York 10038.

North Carolina

Disability Determination Section, Division of Social Services, P.O. Box 243, Raleigh, North Carolina 27602.

North Dakota

Disability Determination Section,
Division of Vocational Rehabilitation,
Russel Building, RR#1, Highway 83
North, Bismarck, North Dakota 58505.

Ohio

Bureau of Disability Determination,
Rehabilitation Services Commission,
4574 Heaton Road, Columbia, Ohio
43229.

Oklahoma

Department of Institutions, Social and
Rehabilitative Services, Attention:
Disability Insurance Unit, P.O. Box
25352, Oklahoma City, Oklahoma 73125.

Oregon

Vocational Rehabilitation Division,
Disability Determination Services, 2045
Silverton Road, N.E., Salem, Oregon
97310.

Pennsylvania

Bureau of Vocational Rehabilitation,
Disability Determination Division,
1310—12 North 12th Street, Harrisburg,
Pennsylvania 17120.

Puerto Rico

Disability Determination Program,
Call Box 71301, San Juan, Puerto Rico
00936.

Rhode Island

Vocational Rehabilitation Services,
Disability Determination Unit, 24 Mason
Street, Providence, Rhode Island 02903.

South Carolina

Disability Determination Division,
South Carolina Vocational
Rehabilitation Department, P.O. Box
4945, Columbia, South Carolina 29240.

South Carolina Commissioner for the
Blind, 1430 Confederate Avenue,
Columbia, South Carolina 29201.

South Dakota

Disability Determining Service,
Division of Vocational Rehabilitation,
P.O. Box 1029, Sioux Falls, South Dakota
57101.

Tennessee

Disability Determination Section,
Division of Vocational Rehabilitation,
1808 West End Avenue, 9th Floor,
Nashville, Tennessee 37203.

Texas

Texas Rehabilitation Commission,
Division of Disability Determination,
P.O. Box 2913, Austin, Texas 78769.

Utah

Disability Determination Services,
Division of Rehabilitation Service, Utah

State Board of Education, P.O. Box 550,
Salt Lake City, Utah 84110.

Vermont

Disability Determination Agency, 103
South Main Street, Waterbury, Vermont
05676.

Virgin Islands

Disability Representative, HHS/SSA
Federal Building, 26 Veterans Drive,
Room 113, St. Thomas, Virgin Islands
00801.

Virginia

Disability Determination Division,
Virginia Department of Vocational
Rehabilitation, 4900 Fitzhugh Avenue,
Richmond, Virginia 23230.

Washington

Office of Disability Insurance, P.O.
Box 9303 M.S. LN—11, Olympia,
Washington 98504.

West Virginia

Disability Determination Services,
Vocational Rehabilitation Division,
Mason Building, Second Floor, 1206
Quarrier Street, Charleston, West
Virginia 25301.

Wisconsin

Bureau of Social Security Disability
Insurance, P.O. Box 7623, Madison,
Wisconsin 53707.

Wyoming

Disability Determination Services,
Division of Vocational Rehabilitation,
611 West 29th Street, Cheyenne,
Wyoming 82001.

Appendix C—Regional Offices Addresses*1. Office of the Regional Commissioner*

Boston Region: Connecticut, Maine,
Massachusetts, New Hampshire,
Rhode Island, Vermont

Room 1100, John F. Kennedy Federal
Building, Government Center,
Boston Massachusetts 02203

New York Region: New Jersey, New
York, Puerto Rico, Virgin Islands
Room 4033, Federal Building, 26
Federal Plaza, New York, New York
10278

Philadelphia Region: Delaware, District
of Columbia, Maryland,
Pennsylvania, Virginia, West
Virginia

3535 Market Street, Philadelphia,
Pennsylvania 19104

Atlanta Region: Alabama, North
Carolina, South Carolina, Florida,
Georgia, Kentucky, Mississippi,
Tennessee

101 Marietta Tower, Suite 2001,
Atlanta, Georgia 30301

Chicago Region: Illinois, Indiana,
Michigan, Minnesota, Ohio,
Wisconsin

300 South Wacker Drive, 27th Floor,
Chicago, Illinois 60606

Dallas Region: Arkansas, Louisiana,
New Mexico, Oklahoma, Texas
1200 Main Tower Building, Room 2555,
Dallas, Texas 75202

Kansas City Region: Iowa, Kansas,
Missouri, Nebraska
Federal Office Building, 601 East 12th
Street, Room 436, Kansas City,
Missouri 64106

Denver Region: Colorado, Montana,
North Dakota, South Dakota, Utah,
Wyoming
Federal Office Building, 1961 Stout
Street, Room 876, Denver, Colorado
80294

San Francisco Region: American Samoa,
Arizona, California, Guam, Hawaii,
Nevada, Northern Mariana Islands
100 Van Ness Avenue, 28th Floor, San
Francisco, California 94102

Seattle Region: Alaska, Idaho, Oregon,
Washington
Arcade Plaza Building, M/S 201, 1321
Second Avenue, Seattle,
Washington 98101

2. Assistant Regional Commissioner, Programs

Boston Region: Connecticut, Maine,
Massachusetts, New Hampshire,
Rhode Island, Vermont

John F. Kennedy Federal Building
Government Center, Boston,
Massachusetts 02203

New York Region: New Jersey, New
York, Puerto Rico, Virgin Islands
26 Federal Plaza, New York, New
York 10278

Philadelphia Region: Delaware, District
of Columbia, Maryland,
Pennsylvania, Virginia, West
Virginia

3535 Market Street, Philadelphia,
Pennsylvania 19104

Atlanta Region: Alabama, North
Carolina, South Carolina, Florida,
Georgia, Kentucky, Mississippi,
Tennessee

101 Marietta Tower, Suite 2001, P.O.
Box 1684, Atlanta, Georgia 30301

Chicago Region: Illinois, Indiana,
Michigan, Minnesota, Ohio,
Wisconsin

300 South Wacker Drive, Chicago,
Illinois 60606

Dallas Region: Arkansas, Louisiana,
New Mexico, Oklahoma, Texas
1200 Main Tower Building, Room 2140,
Dallas, Texas 75202

Kansas City Region: Iowa, Kansas,
Missouri, Nebraska
Federal Office Building, 601 East 12th
Street, Room 436, Kansas City,
Missouri 64106

Denver Region: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Federal Office Building, 1961 Stout Street, Denver, Colorado 80294

San Francisco Region: American Samoa, Arizona, California, Guam, Hawaii, Nevada, Northern Mariana Islands
100 Van Ness Avenue, 24th Floor, San Francisco, California 94102

Seattle Region: Alaska, Idaho, Oregon, Washington

Arcade Plaza Building, M/S 204, 1321 Second Avenue, Seattle, Washington 98101

3. Assistant Regional Commissioner, Field Operations

Boston Region: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

John F. Kennedy Federal Building, Government Center, Room 1109, Boston, Massachusetts 02203, Office Hours—8:30–5:00

New York Region: New Jersey, New York, Puerto Rico, Virgin Islands
26 Federal Plaza, Room 745, New York, New York 10278, Office Hours—8:30–5:00

Philadelphia Region: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

3535 Market Street, P.O. Box 8788, Philadelphia, Pennsylvania 19101, Office Hours—8:00–4:30

Atlanta Region: Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee

101 Marietta Tower, Suite 2001, P.O. Box 1684, Atlanta, Georgia 30301, Office Hours—8:00–4:30

Chicago Region: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

300 South Wacker Drive, 28th Floor, Chicago, Illinois 60606

Dallas Region: Arkansas, Louisiana, New Mexico, Oklahoma, Texas
1200 Main Tower Bldg., Room 2555, Dallas, Texas 75202, Office Hours—8:00–4:30

Kansas City Region: Iowa, Kansas, Missouri, Nebraska
New Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106, Office Hours—8:00–4:30

Denver Region: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Federal Office Building, 1961 Stout Street, Room 9017, Denver, Colorado 80294, Office Hours—8:00–4:30

San Francisco Region: American Samoa, Arizona, California, Guam, Hawaii, Nevada, Northern Mariana Islands
100 Van Ness Avenue, 28th Floor, San Francisco, California 94102, Office Hours—8:00–4:30

Seattle Region: Alaska, Idaho, Oregon, Washington

Room 6027, Arcade Plaza Building, MS 205, 1321 Second Avenue, Seattle, Washington 98101, Office Hours—8:00–4:30

Appendix D—Supplemental Security Income Claims

1. Addresses for Records

Supplemental Security Income (SSI) claims records are maintained in Social Security district and branch offices until a decision has been made regarding eligibility (Appendix F.1 contains information relating to addresses and telephone numbers for district and branch offices). If payment has been awarded, or the appeals period has closed on claims with unfavorable determinations, the claims records are sent to the following locations.

Claims for SSI benefits are maintained in the Chicago Federal Archives Records Center. Access to those claims based on age may be made through a Program Service Center (see Appendix A for address information), or through a district/branch office (see Appendix F.1 for address information).

Access to claims for benefits based on disability or blindness may be made through the Office of Disability Operations (see Appendix B.1 for address information), or through a district or branch office (see Appendix F.1 for address information).

2. Exchange of Information Between the Social Security Administration and the States

Information exchanged between the Social Security Administration and the States because of the State Supplementation and Medicaid provisions of the Supplemental Security Income program is maintained at the following State Departments of Public Welfare Agency addresses:

Alabama

Commissioner, Alabama Medicaid Agency, 2500 Fairlane Dr., Executive Park, Montgomery, Alabama 36130.

Alaska

Commissioner, Department of Health and Social Services, Pouch H-01 Main St., Juneau, Alaska 99801.

Arizona

Director, Arizona Dept. of Economic Security, P.O. Box 6123, Phoenix, Arizona 85005.

Arkansas

Director, Capital Mall, Welfare-ESD Building, Little Rock, Arkansas 72203.

California

Director, Dept. of Benefit Payments, Tape Library, MS 10-77, 744 P Street, Sacramento, California 95814.

Colorado

Director, Department of Social Services, 1575 Sherman Street, Room 301, Denver, Colorado 80203.

Connecticut

Director, Connecticut State Welfare Dept., Systems and Information, Attn: Control Section Chief, 110 Bartholomew Ave., Hartford, Connecticut 06115.

Delaware

Director, Administrator Payments Section, Division of Business Adm. and General Services, State Hospital Adm. Bldg., Third Floor Annex, New Castle, Delaware 19720.

District of Columbia

Director, Dept. of Human Resources, Automatic Data Processing Div., 801 N. Capitol Street, N.E., Room 627, Washington, D.C. 20001.

Florida

Deputy Assistant Secretary for Medicaid, Department of Health and Rehabilitative Services, 1317 Winewood Boulevard, Tallahassee, Florida 32301.

Georgia

Commissioner, Department of Medical Assistance, 1010 West Peachtree Street, N.W., Atlanta, Georgia 30309.

Hawaii

Director, Department of Social Services, P.O. Box 339, Honolulu, Hawaii 96809.

Idaho

Director, Department of Health and Welfare, 450 W. State Street, Towers Building, Boise, Idaho 83720.

Illinois

Director, Illinois Department of Public Aid, 316 S. Second Street, Springfield, Illinois 62762.

Indiana

Administrator, Department of Public Welfare, State Office Building, Room 701, 100 North Senate Avenue, Indianapolis, Indiana 46204.

Iowa

Commissioner, Iowa Department of Social Services, 5th Floor, Hoover Building, Des Moines, Iowa 50319.

Kansas

Secretary, Department of Social and Rehabilitation Service, 6th Floor, State Office Building, State Office Bldg., Topeka, Kansas 66612.

Kentucky

Commissioner, Bureau of Social Insurance, Department of Human Resources, 275 E. Main Street, Frankfort, Kentucky 40601.

Louisiana

Director, State of Louisiana, Div. of Income Maintenance, P.O. Box 44065, Baton Rouge, Louisiana 70804.

Maine

Director, Div. of Data Processing, Dept. of Health and Welfare, 221 State Street, Augusta, Maine 04330.

Maryland

Director, Dept. of Employ and Soc. Serv., Div. of Data Processing, 1100 North Eutaw Street, Room 301, Baltimore, Maryland 21201.

Massachusetts

Director, Executive Office of Human Services, Information Systems and Services, Computer Center, Room 801, 1 Ashburton Place, Boston, Massachusetts 02108.

Director, Mass. Comm. For The Blind, 110 Tremont Street, Boston, Massachusetts 02108.

Michigan

Director, Department of Social Services, P.O. Box 30037, 300 South Capitol Avenue, Lansing, Michigan 48933.

Minnesota

Director, Department of Public Welfare, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55101.

Mississippi

Director, Mississippi Medicaid Commission, P.O. Box 16786, Jackson, Mississippi 39206.

Missouri

Director, Department of Social Services, P.O. Box 1527, Broadway State Office Bldg., Jefferson City, Missouri 65102.

Montana

Director, Social and Rehabilitation Services, Office of Management and

Budget, Box 1723, Helena, Montana 59601.

Nebraska

Director, Department of Public Welfare, 5th Floor, State Office Building, 301 Centennial Mall, South, Lincoln, Nebraska 68509.

Nevada

Director, Nevada State Department of Welfare, 251 Jeanell, Carson City, Nevada 89701.

New Hampshire

Director, State of New Hampshire, Department of Health and Welfare, Division of Welfare, Claims Processing Unit, Hazen Drive, Concord, New Hampshire 03301.

New Jersey

Director, Blue Cross-Blue Shield, Systems Division Tech Services, 2nd Floor, 33 Washington Street, Newark, New Jersey 07102.

New Mexico

Secretary, New Mexico Human Services Department, Income Support Division, P.O. Box 2348, Santa Fe, New Mexico 87503.

New York

Director, New York State, Department of Social Services, Income Maintenance Section, 1450 Western Avenue, Albany, New York 12203.

North Carolina

Director, Division of Medical Assistance, Department of Human Resources, 336 Fayetteville Street, Mall, Raleigh, North Carolina 27601.

North Dakota

Social Services Board, Capitol Grounds, Capital Building, 16th Floor, Bismarck, North Dakota 58501.

Ohio

Director, Ohio Department of Public Welfare, State Office Tower, 32nd Floor, 30 East Broad Street, Columbus, Ohio 43215.

Oklahoma

Director, Department of Institutions, Social and Rehabilitation Services, Management Information Division, P.O. Box 25352, Oklahoma City, Oklahoma 73125.

Oregon

Administrator, Adult and Family Services Division, Department of Human Services, 417 Public Service Building, Salem, Oregon 97310.

Pennsylvania

Director, Bureau of Policy, Office of Income Maintenance, Health and Welfare Building, 6th and Forster Streets, Room 103, Harrisburg, Pennsylvania 17120.

Rhode Island

Director, Aime J. Forand Building, 600 New London Avenue, Cranston, Rhode Island 02920.

South Carolina

Executive Assistant, Office of Health Care Financing, Department of Social Services, P.O. Box 1520, Columbia, South Carolina 29202.

South Dakota

Director, State Department of Social Services, Division of Social Welfare, State Office Building No. 1, Pierre, South Dakota 57501.

Tennessee

Director, Division of Medicaid, Department of Public Health, 283 Plus Park Boulevard, Nashville, Tennessee 37217.

Texas

Commissioner, Texas Department of Public Welfare, 854-V, P.O. Box 2960, Austin, Texas 78769.

Utah

Director, Office of Administrative Services, EDP and Systems, 231 East 4th South, Empire Building, Salt Lake City, Utah 84111.

Vermont

AABD/ANFC Director, Department of Social Welfare, 4 East State Street, Montpelier, Vermont 05602.

Virginia

Director, Bureau of Data Systems, Data Proc. Oper. Section, Room 107 Ratcliffe Bldg., 1602 Rolling Hills Drive, Richmond, Virginia 23288.

Washington

Secretary, Department of Social and Health Services, M/S OB-44, Olympia, Washington 98504.

West Virginia

Director, State of West Virginia Department of Welfare, State Office Building No. 6, 1900 East Washington Street, Charleston, West Virginia 25305.

Wisconsin

Secretary, Department of Health and Social Services, 1 West Wilson Street, Room 341, Madison, Wisconsin 53702.

Wyoming

Director of Finance and Accounting,
Department of Health and Social
Services, State Office Building West,
Cheyenne, Wyoming 82002.

Appendix E—Federal Coal Mine Health and Safety Act Claims (Black Lung)

Black Lung records are maintained at the following location: Social Security Administration, Office of Central Operations, Office of Disability Operations, 1500 Woodlawn Drive, Baltimore, Maryland 21241, Office hours: 8:20 am–4:50 pm.

Appendix F—Social Security Administration Field Operations Addresses**1. Social Security District and Branch Offices**

The addresses and telephone numbers of Social Security district and branch offices may be found listed in local telephone directories under Social Security Administration or under United States Government, Department of Health and Human Services, Social Security Administration.
Office Hours—varied.

2. Assistant Regional Commissioner Field Operations, Addresses

See Appendix C.3 for address information.

3. Teleservice Centers*Atlanta*

P.O. Box 54655, Sixth Floor, 730
Peachtree Street, NE, Atlanta, Georgia
30308.

Berkeley

2000 Center Street, Room 420,
Berkeley, California 94704.

Boston

Rm. 1609, 100 Summer St., Boston,
Massachusetts 02110.

Chicago

4916 W. Belmont, Chicago, Illinois 60641
and
2211 W. 95th Street, Chicago, Illinois
60643

Cincinnati

P.O. Box 41905, 4050 Executive Park
Drive, Cincinnati, Ohio 45241.

Cleveland

11901 Berea Road, P.O. Box 41905,
Cleveland, Ohio 44111.

Des Moines

Room 965, Federal Building, 210
Walnut Street, Des Moines, Iowa 50309.

Detroit

17227 W. Seven Mile Road, Detroit,
Michigan 48235.

Ft. Lauderdale

299 E. Broward Blvd., Federal Bldg.,
Room 410, Ft. Lauderdale, Florida 33310.

Houston

6900 Fannin, Suite 700, Fannin-
Holcombe Building, Houston, Texas
77005.

Grand Prairie

729 Dalworth, Grand Prairie, Texas
75050.

Indianapolis

575 N. Pennsylvania Street,
Indianapolis, Indiana 46204.

Jamaica

90–15–17 Sulphur Boulevard, Jamaica,
New York 11435.

Jersey City

30 Montgomery Street, Jersey City,
New Jersey 07303.

Kansas

Room 2800 Federal Bldg., 911 Walnut
Street, Kansas City, Missouri 64106.

Laurel

9703 Fort Meade Road, Route 198,
Laurel, Maryland 20810.

Los Angeles

3250 Wilshire Boulevard, Room 350,
Los Angeles, California 90010.

New Orleans

31st Floor, Plaza Towers, 1001
Howard Avenue, New Orleans,
Louisiana 70113.

Lodi

2nd Floor, Merchants Mall, #1 South
Main Street, Lodi, New Jersey 07644.

Minneapolis

University Park Plaza Building, Suite
642, 2829 University Avenue, S.E.,
Minneapolis, Minnesota 55414.

Phoenix

3424 North Central Avenue, P.O. Box
7370, Phoenix, Arizona 85011.

Pittsburgh

Room 1000 Park Building, 355 Fifth
Avenue, Pittsburgh, Pennsylvania 15222.

Portland

610 S.W. Alder Street, Room 322,
Portland, Oregon 97205.

Parlin

Mine Mall, II, P.O. Box 494 Ernston
Station, Parlin, New Jersey 08859.

St. Louis

Building 105F, 2nd Floor, 4300
Goodfellow Boulevard, St. Louis,
Missouri 63120.

Tampa

700 Twigg Street, P.O. Box 30, Tampa,
Florida 33601.

Upper Darby

6801 Ludlow Street, 2nd Floor, Upper
Darby, Pennsylvania 19082.

San Diego

P.O. Box A1311, 860 Front Street, San
Diego, California 92112.

Seattle

4735 E. Marginal Way South, Seattle,
Washington 98134.

Appendix G—Office of Hearings and Appeals

I. The Social Security Administration Office of Hearings and Appeals is charged with the responsibility for making decisions on appeals taken above the reconsideration level by claimants for Retirement, Survivors and Disability Insurance benefits, Supplemental Security Income payments, Medicare, or Black Lung benefits.

Files for cases awaiting action by the Appeals Council based on the claimants' request for Council review and records of hearings decisions by Administrative Law Judges are maintained at the Office headquarters. The address is: Office of Hearings and Appeals, 801 North Randolph Street, Arlington, Virginia 22203.

Files for cases awaiting hearings or decisions by Administrative Law Judges based on requests for a hearing submitted by claimants are maintained in the appropriate hearing office.

The selection of the hearing office is based on the Region and Social Security district or branch office service area in which the appellant claimant lives. The Regions, the addresses of the Administrative Law Judges and the Social Security district or branch office service areas from which the Judges accept cases are:

A. In the Boston Region

1. If the individual lives in the following district or (branch) office service area:

Massachusetts: Boston (Brookline), Brockton (Hanover); Cambridge, Chelsea, Fitchburg (Gardner), Framingham, Haverhill, Lawrence, Lowell, Lynn, Malden, Norwood, Quincy, Roxbury (Dorchester);

(Roslindale); Salem, Waltham, Worcester.

The address is: 9th Floor, 55 Summer Street, Boston, Massachusetts 02110.

2. If the individual lives in the following district or (branch) office service area:

Connecticut: Hartford (East Hartford); Meriden (Middletown); New Britain (Bristol); New London (Norwich); Torrington; Waterbury; Willimantic.

The address is: Room 331, 135 High Street, Hartford, Connecticut 06103.

3. If the individual lives in the following district or (branch) office service area:

New Hampshire: Concord, Littleton, Manchester, Nashua (Keene); Portsmouth.

Vermont: Burlington, Montpelier, Rutland.

The address is: 275 Chestnut Street, P.O. Box 3010, Norris Cotton Federal Building, Manchester, New Hampshire 03101.

4. If the individual lives in the following district or (branch) office service area:

Connecticut: New Haven (Ansonia); Bridgeport (East Bridgeport); (Danbury); Stamford (South Norwalk).

The address is: 234 Church Street, Room 301, New Haven, Connecticut 06511.

5. If the individual lives in the following district or (branch) office service area:

Maine: Augusta (Rockland); (Waterville); Bangor; Lewiston (Rumford); Portland (Biddleford); Presque Isle.

The address is: Room 125, 76 Pearl Street, Portland, Maine 04111.

6. If the individual lives in the following district or (branch) office service area:

Massachusetts: Attleboro, Fall River (Taunton); New Bedford (Falmouth); (Hyannis).

The address is: 44 Washington Street, 4th Floor, Slade Building, Providence, Rhode Island 02903.

7. If the individual lives in the following district or (branch) office service area:

Massachusetts: Springfield, Holyoke (Greenfield); Pittsfield (North Adams).

The address is: Room 438, 436 Dwight Street, Springfield, Massachusetts 01103.

B. In the New York Region

1. If the individual lives in the following district or (branch) office service area:

New York: Albany (Hudson); Glens Falls, Gloversville, Kingston, Plattsburgh, Poughkeepsie, Schenectady, Troy.

The address is: Federal Office Building, Room 942, One Clinton Square, Albany, New York 12207.

2. If the individual lives in the following district or (branch) office service area:

Puerto Rico, Bayamon, Arecibo, Manati

The address is: F. Rodriguez Torres Building (Next to City Hall), Ground Floor, RD #2 KM 11.2, Bayamon, Puerto Rico 00619.

3. If the individual lives in the following district or (branch) office service area:

New York: East Bronx (Baychester); North Bronx, (East Farms), South Bronx, (Hunts Point), (Bronx Hub), (Riverdale).

The address is: 400 East Fordham Road, 3rd Floor, Bronx, New York 10458.

4. If the individual lives in the following district or (branch) office service area:

New York: Brooklyn Avenue X; Boro Hall (Bedford-Stuyvesant); Bay Ridge; Bushwick (Williamsburg); East New York (Canarsie); Flatbush (Kings Plaza).

The address is: 189 Montague Street, 2nd Floor, Brooklyn, New York 11201.

5. If the individual lives in the following district or (branch) office service area:

New York: Batavia, Buffalo, (West Seneca); (Cheektowaga); Jamestown, (Dunkirk); Kenmore, Niagara Falls; Olean, Rochester.

The address is: 4th Floor, 268 Main Street, Buffalo, New York 14202.

6. If the individual lives in the following district or (branch) office service area:

Puerto Rico: Mayaguez (Aguadilla); (San Sebastian).

The address is: G.P.O. Box V, Mayaguez, Puerto Rico 00708.

7. If the individual lives in the following district or (branch) office service area:

New Jersey: Asbury Park (Toms River); (Brick Township); Atlantic City (Wildwood); Bridgeton, Camden, (Glassboro); (Mount Holly); Trenton.

The address is: Room 402, Ferry Office Building, 1800 Davis Street, East, Camden, New Jersey 08104.

8. If the individual lives in the following district or (branch) office service area:

New York: Flushing, Jackson Heights; (Astoria); (Long Island City), Jamaica; (Far Rockaway).

The address is: 148-43 Hillside Avenue, 2nd Floor, Jamaica, New York 11435.

9. If the individual lives in the following district or (branch) office service area:

Puerto Rico: Caguas, (Humanao); San Juan; Downtown (Hato Rey); (Santurce); (Fajardo); (Carolina).

Virgin Islands: St. Thomas; (St. Croix).

The address is: Room 700, Housing Investment Building, 416 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00918.

10. If the individual lives in the following district or (branch) office service area:

New York: Freeport, (Long Beach); Huntington Station, (Babylon); Mineola, Patchogue (Riverhead).

The address is: 250 Fulton Avenue, 3rd Floor, Hempstead, NY 11551.

11. If the individual lives in the following district or (branch) office service area:

New York: Manhattan, Downtown, (Chinatown); (Delancey Street); (Tompkins Park); Midtown, (Lenox Hill); (Murray Hill); Staten Island (New Dorp); Upton, (East Harlem); (North Harlem); Washington Heights.

The address is: 15th Floor, 39 Broadway, New York NY 10006.

12. If the individual lives in the following district or (branch) office service area:

New Jersey: East Orange, Hackensack, Irvington, Jersey City, (Hoboken), Montclair, Morristown, (Newtown); Newark, (Clinton Hill); Passaic, Paterson, (Ho-Ho-Kus); Elizabeth, (Plainfield); Perth Amboy, New Brunswick (Raritan).

The address is: Room 1522, 1180 Raymond Boulevard, Newark, NJ 07102.

13. If the individual lives in the following district or (branch) office service area:

Puerto Rico: Ponce (Cayey); (Guayama); (Yauco).

The address is: Centro Del Sur, Shopping Center, Ponce, PR 00731.

14. If the individual lives in the following district or (branch) office service area:

New York: Ausburn, Binghamton, (Ithaca); Elmira, (Corning); Geneva, Ogdensburg, Oneonta, Oswego, Syracuse, Utica, (Herkimer), (Rome); Watertown.

The address is: Suite 400, The Chambers, 351 South Warren Street, Syracuse, NY 13202.

15. If the individual lives in the following district or (branch) office service area:

New York: Nanuet, New Rochelle, (Mount Vernon); White Plains, (Peekskill); Newburgh, (Monticello); Yonkers.

The address is: Room 105, 237 Mamaroneck Avenue, White Plains, NY 10605.

C. In the Philadelphia Region

1. If the individual lives in the following district or (branch) office service area:

Maryland: Baltimore: Downtown (East); (Mondawmin); (North); (Northeast); (Northwest); (West); Glen Burnie (Annapolis); (Catonsville); Towson (Bel Air); (Eastpoint); (Elkton); (Garrison); (Westminster).

The address is: Room 415, the Rotunda, 711 West 40th Street, Baltimore, MD 21211.

2. If the individual lives in the following district or (branch) office service area:

West Virginia: Beckley, (Oak Hill); Charleston, (Montgomery), Logan (St. Albans); Parkersburg, (Williamson).

The address is: 500 Quarrier Street, Room 1019, U.S. Courthouse & Federal Bldg., Charleston, WV 25301.

3. If the individual lives in the following district or (branch) office service area:

Virginia: Charlottesville, Lynchburg, (Culpepper); (Farmville); Staunton (Harrisonburg).

The address is: Room 203, Citizens Commonwealth Center, 300 Preston Avenue, Charlottesville, VA 22901.

4. If the individual lives in the following district or (branch) office service area:

Pennsylvania: Lancaster, York, Carlisle, Harrisburg, Chambersburg, (Lewistown); (State College); (Lebanon).

The address is: Suite 200, 100 Chestnut Street Bldg., Harrisburg, PA 17101.

5. If the individual lives in the following district or (branch) office service area:

Kentucky: Ashland, Pikesville (Prestonburg).

West Virginia: Huntington.

The address is: Room 300, 640 4th Avenue, Huntington, WV 25701.

6. If the individual lives in the following district or (branch) office service area:

Pennsylvania: Allentown, (Bethlehem) Bristol, Easton, (E. Stroudsburg); (Glenside); Norristown; (Pottstown); Philadelphia: Northeast (Kensington-Allegheny); Reading.

The address is: Room 309, Fox Square Pavilion, Old York Road at Wyncote, Jenkintown, PA 19046.

7. If the individual lives in the following district or (branch) office service area:

Pennsylvania: Altoona, DuBois, Gennsburg, Indiana, Johnstown (Somerset).

The address is: Penn Traffic Building, Suite 102, 319 Washington Street, Johnstown, PA 15901.

8. If the individual lives in the following district or (branch) office service area:

Virginia: Hampton, Newport News, Norfolk, Portsmouth, Suffolk.

The address is: 200 Granby Hall, Federal Bldg., Room 736, Norfolk, VA 23510.

9. If the individual lives in the following district or (branch) office service area:

Delaware: Dover, Wilmington.

Pennsylvania: Chester; Philadelphia: Downtown, (Broad Street); (South) Germantown, (Nicetown); North Philadelphia; (South); (West Upper Darby); (Mantua); West Chester.

The address is: 100 North 20th Street, 2nd Floor, Philadelphia, PA 19103.

10. If the individual lives in the following district or (branch) office service area:

Pennsylvania: Ambridge, (Beaver Falls); Butler, (Charleroi); Erie, (Kittanning); (Meadville); McKeesport, (Braddock); New Castle, New Kensington, (Monroeville); Oil City; Pittsburgh: Downtown, (Brentwood); (Hill Distr.); (Mt. Lebanon); (North Side); East, (Hill Distr.); Sharon, Uniontown, Washington.

West Virginia: Clarksburg, (Elkins); (Fairmon); Morgantown, Wheeling.

Ohio: Brigeport, East Liverpool, Steubenville.

The address is: 335 Fifth Avenue, 5th Floor, Park Building, Pittsburgh, PA 15222.

11. If the individual lives in the following district or (branch) office service area:

Virginia: (Fredericksburg); Petersburg, Richmond: (Church Hill); Downtown, (Northside); (Southside).

The address is: Room 9225, Federal Building, 400 North 8th Street, Richmond, VA 23240.

12. If the individual lives in the following district or (branch) office service area:

Virginia: Covington, Danville, (Martinsville); Roanoke, (South Boston); (Wytheville).

West Virginia: Bluefield, Welch.

The address is: Room 857 Richard Poff Federal Office Bldg., 210 Franklin Road, S.W., Roanoke, VA 24011.

13. If the individual lives in the following district or (branch) office service area:

District of Columbia: Washington: Alabama Avenue; Downtown (East Capitol Street); (Eight Street); (Rhode Island Avenue); (Taylor Street).

Maryland: (Bladensburg); (Cambridge); Camp Springs, Cumberland, Frederick, (Hagerstown); (Rockville).

Pennsylvania: Chambersburg.

Virginia: Alexandria, Winchester (Arlington); (Falls Church).

West Virginia: (Martinsburg).

Foreign Claims: Except Philippine Islands.

Delaware: Georgetown.

The address is: Room 730, 1325 G Street, N.W., Washington, DC 20005.

14. If the individual lives in the following district or (branch) office service area:

Pennsylvania: (Bloomsburg), (Carbondale); Hazleton, (Lehigh); (Lewiston); (Pittston); (Pottsville); Scranton, (Shamokin); Wilkes-Barre, Williamsport, Sunbury, (Towanda).

The address is: Room 3110 Penn Place, 20 N. Pennsylvania Avenue, Wilkes-Barre, PA 18701.

D. In the Atlanta Region

1. If the individual lives in the following district or (branch) office service area:

Georgia: Atlanta: Downtown, (Northeast); (Northwest); (Southeast); (Southwest); (Daniel Village); Downtown, (Carrollton); East Point, (Griffin); LaGrange, Marietta.

The address is: Suite 514, 25th Street Building, 1720 Peachtree Street, NW., Atlanta, GA 30309.

2. If the individual lives in the following district or (branch) office service area:

Alabama: (Albertsville); Anniston, Bessemer; Birmingham: Downtown, (East Lake); (Ensley); (Five Points West); Gadsden (Jasper); (Talladega); Tuscaloosa.

The address is: Room 420, Shel-Al Bldg., 11 West Oxmoor Road, Birmingham, AL 35209.

3. If the individual lives in the following district or (branch) office service area:

Georgia: Savannah, Downtown (Southside); (Statesboro).

South Carolina: (Beaufort); Charleston, (Conway); (Georgetown); North Charleston, (Walterboro).

The address is: Federal Bldg., Suite 125, 334 Meeting Street, Charleston, SC 29403.

4. If the individual lives in the following district or (branch) office service area:

North Carolina: (Albamarle); Charlotte: Downtown, (N. Tryon Street); Gastonia, (Morgantown) (Rockingham); Salisbury, (Shelby); (Stateville); Hickory.

South Carolina: (Lancaster); Rock Hill.

The address is: Suite 302, Court Plaza Bldg., 901 Elizabeth Avenue, Charlotte, NC 28204.

5. If the individual lives in the following district or (branch) office service area:

Alabama: Huntsville, (Scottsboro).

Georgia: (Cedartown); (Dalton); Rome.

Tennessee: (Athens); Chattanooga; (Cleveland); (Tulahoma).

The address is: P.O. Box 8739, Chattanooga, TN 37311.

6. If the individual lives in the following district or (branch) office service area:

South Carolina: (Bennettsville); (Camden); Columbia, Florence, Greenwood, (Laurens); (Orangeburg); (Sumter).

The address is: 12th Floor, Suite 1259, Strom Thurmond Federal Bldg., 1835 Assembly Street, Columbia, SC 29201.

7. If the individual lives in the following district or (branch) office service area:

Georgia: Athens, Augusta, (Covington); Decatur, Gainesville (Toccoa); (Winder); (Columbia).

South Carolina: (Aiken).

The address is: Suite 2100, Bldg. 3, Northgate Office Park, 3620 Interstate 85 NE., Doraville, GA 30340.

8. If the individual lives in the following district or (branch) office service area:

Alabama: (Cullman); Decatur, Florence, (Russellville).

Mississippi: Columbus, (Corinth); Tupelo (Starkville).

The address is: Suite E, Spring Street Federal Bldg., 426 East Spring Street, Florence, AL 35630.

9. If the individual lives in the following district or (branch) office service area:

Florida: (Delray Beach); Fort Lauderdale; (W. Broward); (Fort Pierce); (Hallandale); Hollywood, (Pompano Beach), West Palm Beach.

The address is: Federal Bldg. & U.S. Courthouse, Room 307-A, 299 E. Broward Blvd., Ft. Lauderdale, FL 33301.

10. If the individual lives in the following district or (branch) office service area:

North Carolina: (Asheboro); (Burlington) (Greensboro); High Point, (Mt. Airy); (North Wilkesboro); (Reidsville); Winston-Salem.

The address is: 1200 West Bessemer Square Bldg., 1215 West Bessemer Avenue, Greensboro, NC 27408.

11. If the individual lives in the following district or (branch) office service area:

South Carolina: Anderson, Greenville, Spartanburg, Asheville, (Franklin); (Hendersonville).

The address is: Suite 116, 300 University Ridge, Greenville, SC 29601.

12. If the individual lives in the following district or (branch) office service area:

Mississippi: (Brookhaven);

(Columbia); Hattiesburg (Laurel); (McComb).

The address is: 301 Humble Avenue, Hattiesburg, MS 39401.

13. If the individual lives in the following district or (branch) office service area:

Mississippi: (Cleveland) Greenville, Greenwood, (Grenada); Jackson, (Kosciusko); Meridan, (Newton); (Philadelphia); Vicksburg, (Natchez).

The address is: Suite 801 100 West Capital Street, Jackson, MS 39201.

14. If the individual lives in the following district or (branch) office service area:

Florida: Gainesville; Jacksonville; Downtown, (North); (Lake City); (Palatka); (Quincy); St. Augustine, Tallahassee.

Georgia: (Bainbridge); (Brunswick); Thomasville, Valdosta, Waycross.

The address is: 2809 Art Museum Drive, Room 3, Jacksonville, FL 32207.

15. If the individual lives in the following district or (branch) office service area:

Tennessee: (Greenville); Johnson City, (Kingsport).

Virginia: Bristol, (Norton).

The address is: 1420B East Stone Drive, Kingsport, TN 37660.

16. If the individual lives in the following district or (branch) office service area:

Tennessee: Knoxville, (La Follette); (Maryville); (Morristown); (Oak Ridge).

The address is: Suite 300, Apalachian National Life Bldg., 318 Cumberland Avenue SW., Knoxville, TN 37902.

17. If the individual lives in the following district or (branch) office service area:

Kentucky: Frankfort, Lexington, (Maysville); (Richmond); Danville.

The address is: Room 230, The Bakhaus Bldg., 1500 West Main Street, Lexington, KY 40505.

18. If the individual lives in the following district or (branch) office service area:

Indiana: New Albany.

Kentucky: Campbellsville, Elizabethtown, Louisville: Downtown, (East); (West); Bowling Green.

The address is: Room 600, Bank of Louisville Bldg., 510 West Broadway, Louisville, KY 40202.

19. If the individual lives in the following district or (branch) office service area:

Georgia: Albany, (Cordele); (Dublin); Macon, (Milledgeville); (Moultrie); (Swainsboro); (Tifton); (Warner Robins).

The address is: Room 813, Southern Trust Bldg., 682 Cherry Street, Macon, GA 31201.

20. If the individual lives in the following district or (branch) office service area:

Mississippi: (Clarksdale); (Holly Springs).

Tennessee: Dyersburg; Jackson; Memphis: Downtown, (East); (North); (South); (Union City).

The address is: Suite 602, Mid-Memphis Tower Bldg., 1407 Union Avenue, Memphis, TN 48103.

21. If the individual lives in the following district or (branch) office service area:

Florida: (Coral Gables); (Hialeah); (Key West); Miami (Allapattah); (Cutler Ridge); Downtown, (Little Havannah); (Little River); North Miami Beach.

The address is: 4th Floor, Northeast Airlines Bldg., 150 S.E. 2nd Avenue, Miami, FL 33131.

22. If the individual lives in the following district or (branch) office service area:

Kentucky: (Middlesboro), Corbin, (Harlan), Hazard, (Somerset).

The address is: Village Square Shopping Center, Route #2, Box 12-55, Middlesboro, KY 40965.

23. If the individual lives in the following district or (branch) office service area:

Alabama: (Andalusia); (Jackson); Mobile; Downtown, (Fairhope); (W. Mobile).

Florida: (Marianna), Panama City, Pensacola.

Mississippi: Gulfport (Pascagoula).

The address is: Room 407, Commerce Bldg., 118 North Royal Street, Mobile, AL 36602.

24. If the individual lives in the following district or (branch) office service area:

Alabama: (Alexander City); (Dempolis); Dothan, Montgomery, (Opelika); Selma (Troy).

The address is: Room 109, McDonough Bldg., 770 South McDonough Street, Montgomery, AL 36104.

25. If the individual lives in the following district or (branch) office service area:

Tennessee: (Clarksville), Columbia, Cookeville, (Gallatin); (Lawrenceburg); (McMinnville); (Murfreesboro); Nashville; Downtown, (East); (Hadley Park); (Paris).

The address is: Room 800, 1717 West End Avenue, Nashville, TN 37203.

26. If the individual lives in the following district or (branch) office service area:

Florida: Daytona Beach, (Deland); (Leesburg); Melbourne, (Ocala); Orlando, (Sanford); (Vero Beach).

The address is: U.S. Federal Bldg. & Courthouse, Room 239, 80 N. Hughey Avenue, Orlando, FL 32801.

27. If the individual lives in the following district or (branch) office service area:

Illinois: (Cairo).

Kentucky: Hopkinsville, (Madisonville); (Mayfield); Owensboro, Paducah.

The address is: No. 1 Tiffany Square, 3038 Lone Oak Road, Paducah, KY 42001.

28. If the individual lives in the following district or (branch) office service area:

North Carolina: Durham, (Elizabeth City); Fayetteville, Goldsboro, Greenville, (Henderson); (Kinston); (Lumberton); New Bern; Raleigh, (Roanoke Rapids); Rocky Mount, (Sanford); (Smithfield); (Washington); (Whiteville); Wilmington, (Wilson).

The address is: 3824 Barrett Drive, Room 200, Raleigh, NC 27609.

29. If the individual lives in the following district or (branch) office service area:

Florida: (Bradenton), Clearwater, (Dade City), Fort Meyers, (Holiday); Lakeland, (Naples); (Pinellas Park); (Plant City); St. Petersburg, Sarasota, (Sebring); Tampa: Downtown, (Wellswood); (Winter Haven).

The address is: Suite 638, 700 Twiggs Street, 700 Twiggs Building, Tampa, FL 33602.

E. In the Chicago Region

1. If the individual lives in the following district or (branch) office service area:

Illinois: Aurora, (Downers Grove); Champaign; Chicago: Loop, Near Northwest, (Westtown); Near Southwest, West; (Lawndale); Danville, Elgin, Elmwood Park, Harvey, (Villa Park); Markham, Joliet, Kankakee, North Riverside (La Grange).

The address is: Room 1430, Mid-Continental Plaza, 55 East Monroe Street, Chicago, IL 60603 (DT).

2. If the individual lives in the following district or (branch) office service area:

Illinois: Chicago: East, (Back of the Yards); south (Bridgeview); Southeast.

Indiana: Gary (Merrillville); (Valparaiso); Hammond, (East Chicago); (Michigan City).

Michigan: Benton Harbor.

The address is: The Kluczynski Federal Bldg., 230 South Dearborn Street, Room 2645, Chicago, IL 60604 (South).

3. If the individual lives in the following district or (branch) office service area:

Kentucky: Covington:

Ohio: Cincinnati: Downtown (Peebles Corner); North, (Batavia); Dayton: Downtown, (West); (Xenia); Hamilton, (Middleton); (Ironton); Portsmouth.

The address is: Room 6409, Federal Office Bldg., 550 Main Street, Cincinnati, OH 45202.

4. If the individual lives in the following district or (branch) office service area:

Ohio: Akron: Downtown, (West); (Medina); (Ravenna); Ashtabula, (Painesville); Canton, (Woodster); Cleveland: Downtown, Heights (Midtown); (Northeast); (Northwest); (Southeast); (Southwest); (University Circle); West, (Euclid); Lorain, Mansfield, New Philadelphia, Sandusky, (Fremont); Toledo: (West); (Bowling Green); Warren, Youngstown.

The address is: Room 1919, Superior Bldg., 815 Superior Avenue NE., Cleveland, OH 44114.

5. If the individual lives in the following district or (branch) office service area:

Ohio: Chillicothe; Columbus: Downtown; (East); (North); (Lancaster); Findlay; Lima, Marietta, Marion, (Athens); Newark, Piqua, Springfield, Zanesville; (Cambridge); (Gallipolis).

The address is: Room 717, LeVeque Lincoln Tower, 50 West Broad Street, Columbus, OH 43215.

6. If the individual lives in the following district or (branch) office service area:

Ohio: Dayton, Downtown, (West); Piqua, Springfield; (Xenia).

The address is: Suite 400, 40 S. Main Street, Center City Office Bldg. Dayton, OH 45402.

7. If the individual lives in the following district or (branch) office service area:

Michigan: Ann Arbor, (Monroe); Dearborn; (Inkster); (Wyandotte); Detroit: Downtown East, (E. Jefferson Avenue); (Grand River); (Hamtramck); Southwest; Port Huron.

The address is: Patrick McNamara Federal Bldg., 4th Floor, Room 430-449, 477 Michigan Avenue, Detroit, MI 48226.

8. If the individual lives in the following district or (branch) office service area:

Illinois: Chicago: North, Northwest; (Arlington Heights); (Des Plaines); Evanston, (Glenview); Rockford, (Freeport); Sterling, (Woodstock); Waukegan, (Woodstock).

The address is: Room 250, 2nd Floor, Davis Bldg., 820 Davis Street, Evanston, IL 60201.

9. If the individual lives in the following district or (branch) office service area:

Illinois: Carbondale, Harrisburg, (W. Frankfort); (Effingham); Mount Vernon.

Indiana: Evansville, Cincennes.

Kentucky: (Henderson).

The address is: Room 246, Federal Bldg., 101 NW Seventh Street, Evansville, IN 60201.

10. If the individual lives in the following district or (branch) office service area:

Michigan: (Alpena); Bay City, Flint, (Owosso); Port Huron, Saginaw.

The address is: Room 810, Metropolitan Bldg., 432 N. Saginaw Street, Flint, MI 48502.

11. If the individual lives in the following district or (branch) office service area:

Indiana: (Auburn) Elkart, Fort Wayne, Marion, Muncie, South Bend.

Ohio: Defiance.

The address is: Room 401, Commerce Bldg., 127 West Berry Street, Fort Wayne, IN 46802.

12. If the individual lives in the following district or (branch) office service area:

Michigan: Grand Rapids, (Holland); Kalamazoo, Muskegon.

The address is: Room 346 Federal Bldg., 110 Michigan NW., Grand Rapids, MI 49502.

13. If the individual lives in the following district or (branch) office service area:

Indiana: Anderson, Bloomington, Columbus, (Crawfordsville); Indianapolis: Downtown; (East); (West); Kokomo, Lafayette, Madison, Richmond, Terre Haute.

The address is: 221 Federal Bldg., 575 N. Pennsylvania Street, Indianapolis, IN 46204.

14. If the individual lives in the following district or (branch) office service area:

Michigan: (Adrian); Battle Creek, Jackson, Lansing, Mount Pleasant, Muskegon, (Petoskey), Traverse City, (Apena); (Owozzo).

The address is: 333 South Capitol, Suite 220, North Entrance, Lansing, MI 48933.

15. If the individual lives in the following district or (branch) office service area:

Wisconsin: Appleton, Eau Claire, (Rice Lake); Fond de Lac, Janesville, Kenosha, Green Bay, (Marinette); LaCrosse, (Lancaster); Madison, (Portage); (Munitowoc); Milwaukee; (Mitchell); North, South, East, (Vliet St.); Oshkosh, Racine, Sheboygan, Waukesha, (West Bend); Wisconsin Rapids, (Rhineland); Wausau.

Michigan: Escanaba, Marquette, (Ironwood).

The address is: The Continental Bank Bldg., Room 800, 735 West Wisconsin Avenue, Milwaukee, WI 53233.

16. If the individual lives in the following district or (branch) office service area:

Minnesota: (Alexandria); Austin, Bemidji, (Brooklyn Center); Duluth, (Fairmont); Hibbing, Mankato, Marshall; Minneapolis: (Broadway); (Southwest); Rochester, St. Cloud, St. Paul, Winona. *Wisconsin:* Superior.

The address is: 830 Plymouth Bldg., 12 South 6th Street, Minneapolis, MN 55402.

17. If the individual lives in the following district or (branch) office service area:

Illinois: Bloomington, Decatur, Galesburg, (Peking); Peoria, Peru, Springfield.

The address is: Room 1004, Savings Center Tower, 411 Hamilton Blvd., Peoria, IL 61602.

18. If the individual lives in the following district or (branch) office service area:

Michigan: Detroit: Highland Park, (Livernois St.); Northwest, (Livonia); (Mt. Clemens); Pontiac, Roseville, (Royal Oak); (Warren).

The address is: Suite 800, Northland Towers West, 15565 Northland Drive, Southfield, MI 48075.

F. If the Dallas Region

1. If the individual lives in the following district or (branch) office service area:

New Mexico: Albuquerque, (Clovis); Farmington, (Gallup); (Hobbs); (Las Cruces); (Las Vegas); Roswell, Santa Fe.

The address is: Room 309, Patio Plaza Bldg., 5000 Marble Avenue, N.E., Albuquerque, NM 87110.

2. If the individual lives in the following district or (branch) office service area:

Louisiana: Alexandria, (DeRidder); Lafayette, Lake Charles, (Leesville); (Natchitoches); (New Iberia); (Opelousas); Baton Rouge: Downtown, (Government St.); (Plaquemine).

The address is: 3744 Government Street, Alexandria, LA 71301.

3. If the individual lives in the following district or (branch) office service area:

Texas: (Corsicana); Dallas: (South Oak Cliff); (South Dallas); Lufkin, (Nacogdoches); (Palestine); (Waxahachie); Temple, Waco, (West Dallas).

The address is: Federal Office Bldg., Room 7B41, 1100 Commerce Street, Dallas, TX 75242 (DT).

4. If the individual lives in the following district or (branch) office service area:

Texas: (McKinney); Longview, (Marshall); Paris, Greenville, Tyler, Sherman, Dallas; Rawlins.

The address is: Central Square, Suite 252, 10830 North Central Expressway, Dallas, TX 75231 (North).

5. If the individual lives in the following district or (branch) office service area:

Arkansas: Fayetteville, Fort Smith, (Harrison); (Russellville).

The address is: Room 203, 616 Garrison Bldg., 616 Garrison Avenue, Fort Smith, AR 72903.

6. If the individual lives in the following district or (branch) office service area:

Texas: Abilene, (Big Spring); (Brownwood); (Cleburne); (Denton); Fort Worth, Odessa, San Angelo.

The address is: Room 9A35, Federal Office Bldg., 819 Taylor Street, Fort Worth, TX 76102.

7. If the individual lives in the following district or (branch) office service area:

Texas: (Angleton); Beaumont, (Brenham); Breyan, Galveston; Houston: Downtown, (Northwest); (Northeast); (South Park); Southwest, (Huntsville); Pasadena, Port Arthur.

The address is: Scallion Bldg., Suite 1000, 405 Main Street, Houston, TX 77002.

8. If the individual lives in the following district or (branch) office service area:

Arkansas: (Batesville); (Blytheville); (Camden); (Conway); El Dorado, Forest City, (Helena); Hot Springs National Park, Jonesboro, Little Rock, Pine Bluff, (Searcy); (West Memphis).

The address is: 2402 Federal Office Bldg., 700 West Capitol Avenue, Little Rock, AR 72201.

9. If the individual lives in the following district or (branch) office service area:

Texas: Texarkana.

Oklahoma: (Hugo); McAlester, (Durant); Poteau.

The address is: 104 East Carl Albert Pkwy., McAlester, OK 74501.

10. If the individual lives in the following district or (branch) office service area:

Louisiana: (Bogalusa); (Covington); (Gretna); (Hammond); Houma, (Matairie); (Morgan City); New Orleans: Downtown, (East); (Poland Avenue).

The address is: 2nd Floor, Oil & Gas Bldg., 1100 Tulane Avenue, New Orleans, LA 70112.

11. If the individual lives in the following district or (branch) office service area:

Oklahoma: (Ada); (Altus); Ardmore, (Chickasha); (Clinton); (Duncan); Enid, (Guymon); Lawton, (Norman); Oklahoma City, (Ponce City); (Shawnee); (Stillwater).

Texas: Amarillo, Lubbock, (Pampa); (Plainview); (Vernon); Wichita Falls.

The address is: Suite 416, 50 Penn Place, Northwest 50th and Pennsylvania Streets, Oklahoma City, OK 73118.

12. If the individual lives in the following district or (branch) office service area:

Texas: (Alice); Austin, Brownsville, Corpus Christie, (Eagle Pass); (Harlingen); (Kerrville); Laredo, McAllen; San Antonio: Downtown, (Southside); (Westside); (Sequin); Victoria, El Paso.

The address is: Room 222, Castle Hills Executive Plaza, 1015 Jackson Keller Road, San Antonio, TX 78213.

13. If the individual lives in the following district or (branch) office service area:

Louisiana: (Bossier City); (Minden); Shreveport, (Bastrop); Monroe, (Ruston); (Tallulah).

The address is: Suite 232, Shreve City Office Park, 2920 Knight Street, Shreveport, LA 71105.

14. If the individual lives in the following district or (branch) office service area:

Oklahoma: (Bartlesville); (Miami); Tulsa, Muskogee, (Okmulgee).

The address is: 3rd Floor, Columbia Bldg., 2651 East 21st Street, Tulsa, OK 74114.

G. In the Kansas City Region

1. If the individual lives in the following district or (branch) office service area:

Missouri: Cape Girardeau, Clayton, (Flat River); (Kennett); (Sykeston); St. Louis County: Southside, (Union); (West Plains); St. Charles, Popular Bluff.

The address is: Room 2, 8706 Manchester Road, Brentwood, MO 63144.

2. If the individual lives in the following district or (branch) office Downtown, (South); Prescott, (Scottsdale).

Nevada: Las Vegas, (North Las Vegas).

The address is: Suite 600, Mayer Central Bldg., 3033 North Central Avenue, Phoenix, AZ 85012.

11. If the individual lives in the following district or (branch) office service area:

California: (Auburn); Chico, (Lodi); (Marysville); Modesto, Redding, (Roseville); Sacramento, Stockton.

Nevada: Reno.

The address is: Suite 403, 1029 J Street, Sacramento, CA 95814 (DT).

12. If the individual lives in the following district or (branch) office service area:

California: (Banning); (Corona); (Fontana); (Hemet); Palm Springs, Pomona, (Redlands), Riverside, San Bernardino, (Victorville).

The address is: 362 North Arrowhead Avenue, Suite 201, San Bernardino, CA 92401.

13. If the individual lives in the following district or (branch) office service area:

Arizona: (Yuma).

California: (Chula Vista); (El Corazon); (El Centro); (Escondido); (La Mesa); San Diego: Downtown, (Linda Vista); (Oceanside); (Southeast).

The address is: U.S. Courthouse, 940 Front Street, Room 2-N-26, San Diego, CA 92189.

4. If the individual lives in the following district or (branch) office service area:

California: San Francisco: (Chinatown); Civic Center, (Hunter's Point); (Inner Mission); (Out Mission); Parkside, (Western Addition); (Redwood City); San Mateo.

The address is: Suite 320, 550 Kearney Street, San Francisco, CA 94108.

15. If the individual lives in the following district or (branch) office service area:

California: (Campbell); (Gilroy); (Monterey); (Pala Alto); Salinas, San Jose: Downtown, (East); (Sunnyvale); (Watsonville); Santa Cruz, (Redwood City).

The address is: Room 800, Community Bank Bldg., 111 West St. John Street, San Jose, CA 95113.

16. If the individual lives in the following district or (branch) office service area:

California: Eureka, (Fairfield); (Napa); San Rafael, Santa Rosa, (Ukiah); Vallejo.

The address is: Room 206, 1099 D Street, San Rafael, CA 94901.

17. If the individual lives in the following district or (branch) office service area:

California: Anaheim, Costa Mesa, Fullerton, Huntington Beach, San Juan Capistrano, Santa Ana.

The address is: Suite 902, Federal Bldg., 34 Civic Center Plaza, Santa Ana, CA 92701.

18. If the individual lives in the following district or (branch) office service area:

California: San Luis Obispo, (Santa Maria); Ventura, (Oxnard); Santa Barbara.

The address is: 222 East Carillo Street, 2nd Floor, Santa Barbara, CA 93101.

19. If the individual lives in the following district or (branch) office service area:

Arizona: (Douglas); (Nogales); Tucson: Downtown, (South).

The address is: Room 3-B, Federal Bldg., 301 West Congress Street, Tucson, AZ 85701.

J. In the Seattle Region

1. If the individual lives in the following district or (branch) office service area:

Oregon: (Bend); (Coos Bay); Eugene, Klamath Falls, Medford, (Roseburg).

The address is: Federal Bldg., Room 430, 211 E. Seventh Avenue, Eugene, OR 97401.

2. If the individual lives in the following district or (branch) office service area:

Oregon: (Albany); (Astoria); (Beaverton); Portland: Downtown, East, (South); Salem Salem, (The Dalles).

Washington: (Longview); *Vancouver:* *Seattle;* *Yakima.*

The address is: 800 Terminal Sales Bldg., 1220 S.W. Morrison Street, Portland, OR 97205.

3. If the individual lives in the following district or (branch) office service area:

Washington: (Aberdeen); *Bellvue,* *Bellingham,* *Bremerton,* *(Burien);* *(Chehalis);* *Everett,* *(Lynwood);* *(Mt. Vernon);* *Olympia,* *(Port Angeles);* *(Puyallup);* *(Renton);* *Seattle;* *Downtown,* *(North);* *(South);* *(West);* *Tacoma,* *Yakima,* *(Kennewick).*

The address is: Room 3162 Federal Bldg., 915 Second Avenue, Seattle, WA 98174.

4. If the individual lives in the following district or (branch) office service area:

Idaho: (Coeur D'Arleone); Lewiston. *Oregon:* La Grande, (Ontario); (Pendleton).

Washington: (Pasco); (Pullman); Spokane, Walla Walla, Wenatchee.

The address is: 830 Bon Marche Bldg., 214 North Wall Street, Spokane, WA 99201.

The Administrative Law Judges are independent adjudicators. However, they do need certain administrative and logistical support. This support is provided by the Regional Chief Administrative Law Judges, Office of Hearings and Appeals, whose offices are at the following addresses: Spokane, Washington 99201.

For the following district and (branch) offices:

Idaho: (Coeur D'Arleone); Lewiston. *Oregon:* La Grande (Ontario); (Pendleton).

Washington: (Pasco); (Pullman); Spokane, Walla Walla, Wenatchee.

II. The Administrative Law Judges are independent adjudicators. However, they do need certain administrative and logistical support. This support is provided by the Regional Chief Administrative Law Judges, Office of Hearings and Appeals, whose offices are at the following addresses:

In the Boston Region

E-310 John F. Kennedy Federal Building, Boston, Massachusetts 02203

In the New York Region

Room 34-130, 26 Federal Plaza, New York, New York 10278

In the Philadelphia Region

Room M300, The Gateway Building, 36th and Market Streets, Philadelphia, Pennsylvania 19101
Mailing Address: P.O. Box 8788, Philadelphia, Pennsylvania 19101

In the Atlanta Region

Suite 422, Marietta Tower Bldg., 101 Marietta Street NW., Atlanta, Georgia 30323

In the Chicago Region

16th Floor, 300 S. Wacker Drive, Chicago, Illinois 60606

In the Dallas Region

Federal Office Building, Room 14B7, 1100 Commerce Street, Dallas, Texas 75202

In the Kansas City Region

Room 505, Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106

In the Denver Region

Suite 402, Rio Grande Bldg., 1531 Stout Street, Denver, Colorado 80202

In the San Francisco Region

24th Floor, 100 Van Ness Avenue, San Francisco, California 94102

In the Seattle Region

Room 1852, Federal Building, 915 Second Avenue, Seattle, Washington 98174

Appendix H—Office of Central Operations Electronic Data Operations Centers

Office of Central Operations, Veterans Administration Building, 19 North Main Street, Wilkes Barre, Pennsylvania 18701

Office of Central Operations, Albuquerque, Data Operations Center, 933 Bradbury, SE, Albuquerque, New Mexico 87112

Office of Central Operations, Salinas Data Operations Center, 6th Floor, No. 8, 8 East Alisal, Salinas, California 94901.

Appendix I—Availability of Records, Manuals, etc.

All administrative staff manuals of the Social Security Administration and instruction to staff personnel which

contains policies, procedures, or interpretations that affect the public are available for inspection and copying. These manuals are generally not printed in a sufficient quantity to permit sale or other general distribution to the public, but many are maintained at district offices and field offices and may be inspected there (See Appendix F address and telephone information). A complete listing of staff manuals and instructions is published in Social Security Rulings which is available from the Government Printing Office, Washington, D.C. 20402.

The Social Security Act is codified at 42 U.S.C. 301 and the Federal Coal Mine Health and Safety Act may be found at 30 U.S.C. 901.

The Regulations relating to Federal retirement, survivors, and disability insurance and health for the aged, are published in the Code of Federal Regulations under title 20, chapter III, Part 401 et seq.:

A. Part 401 contains Regulation No. 1, Disclosure of Official Records and Information.

B. Part 402, which contained Regulations No. 2, has not been published in the Code beginning with the 1949 edition since Regulations No. 2 applies only to the Social Security Act in effect before 1940.

C. Part 403, which contained Regulations No. 3, has not been published in the Code beginning with the 1965 edition since Regulations No. 3 relates to the period from 1940 to 1950. The extent to which Regulations No. 3 remains in effect is indicated in Sections 404.3(a) of Regulations No. 4.

D. Part 404 contains Regulations No. 4, Federal Old-Age, Survivors, and Disability Insurance (1950-).

E. Part 405 contains Regulations No. 5, Federal Health Insurance for the Aged and Disabled (1965-).

F. Part 410 contains Regulations No. 10, Federal Coal Mine Health and Safety Act of 1969, title IV, Black Lung Benefits (1969-).

G. Part 416 contains Regulations No. 16, Supplemental Security Income (1973-).

H. Part 422 contains Regulations No. 22, Organization and Procedures.

Title 20 of the Code of Federal Regulations (Part 400 to End, revised as of April 1, 1979), can be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Requests for accessing an individual's own records should be directed to the systems managers or as otherwise noted under notification procedures in the foregoing notices. Requests for other records and manuals may be made to:

(1) The Director, Office of Information, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235; or (2) the Information Center Officer, at the Regional Offices of the Department of Health and Human Services. The locations and service areas of these offices are as follows:

1. Boston Region—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
John F. Kennedy Federal Building, Room 1100A, Boston, Massachusetts 02203, Office Hours: 8:30-5:00
2. New York Region—New York, New Jersey, Puerto Rico, Virgin Islands
Federal Building, Room 745, 26 Federal Plaza, New York, New York 10007, Office Hours: 8:30-5:00
3. Philadelphia Region—Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia
P.O. Box 8788, Philadelphia, Pennsylvania 19101, Office Hours: 8:00-4:30
4. Atlanta Region—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
50 Seventh Street, NE., Room 240, Atlanta, Georgia 30323, Office Hours: 8:00-4:30
5. Chicago Region—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
300 South Wacker Drive, Room 2719, Chicago, Illinois 60606, Office Hours: 8:15-4:45
6. Dallas Region—Arkansas, Louisiana, New Mexico, Oklahoma, Texas
Room 2535, 1200 Commerce Street, Dallas, Texas 75202, Office Hours: 8:15-4:45
7. Kansas City Region—Iowa, Kansas, Missouri, Nebraska
Federal Building, Room 431-A, 601 East 12th Street, Kansas City, Missouri 64106, Office Hours: 8:00-4:45
8. Denver Region—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Federal Office Building, Room 8005, 1961 Stout Street, Denver Colorado 80202, Office Hours: 8:00-4:30
9. San Francisco Region—Arizona, California, Hawaii, Nevada, Guam, Trust Territory of Pacific Islands, American Samoa
100 Van Ness Avenue, 26th Floor, San Francisco, California 94102, Office Hours: 8:00-4:30
10. Seattle Region—Alaska, Idaho, Oregon, Washington
Arcade Plaza Building, MS-614, 1321 Second Avenue, Room 6027, Seattle, Washington 98101, Office Hours: 8:00-4:30

Appendix J—Social Security Administration Data Security Measures

The confidentiality of records has been a cornerstone of Social Security Administration policy from the very beginning of the agency under the mandate of Title 20, Chapter III, Part 401 of the Code of Federal Regulations issued in 1937 and Section 1106 of the Social Security Act (Act) passed by the Congress in 1939. Data security measures begin with the thorough training of employees in the restrictions against disclosure contained in the Act and the Regulations, the criminal sanctions for unauthorized disclosure, and the procedures used to assure that disclosures authorized by statute and regulation are released to the proper parties. The physical security measures established to safeguard records are discussed below:

1. Manually Maintained Records

Manually maintained records are kept in locked file cabinets or in otherwise secure areas. Access to the records is limited to those employees who require the information contained in the records to perform the duties assigned to them. In many cases, the records are selected for the employees needing access to them by other employees who are specifically charged with the maintenance of the records. This restricts the number of persons authorized to be in the storage areas and facilitates the control over the access to the information contained in the records to those who need it.

Those records not handled in this manner are securely stored so that unauthorized individuals may not gain access to them.

2. Automated Records

A new building which will house all the computer equipment and automated records is now complete. The Social Security Administration is now in the process of completing relocation of equipment and records to that building. Entry into the building is restricted to employees whose duties require such entry. A special pass containing the employee's photograph is issued to all personnel authorized to enter the building. The pass is worn at all times. Marshals are stationed in the lobby of the New Computer Center (NCC) to ensure that only those employees authorized to enter the building do so. The employees then go to the elevators and to one of the five floors that they are authorized to enter as their work station. It is necessary for the employee to enter his/her badge in a slot to activate a turnstile and gain admittance

to the floor. Each badge is keyed for one particular floor. Magnetic tape records and records stored on other media are kept in a library to which entry is restricted to those employees who are authorized to work in the library.

Entry into the computer rooms in the main building is restricted to those employees whose duties require such entry. All employees who are authorized to enter this area wear special photograph passes. Marshals are stationed at each entrance to assure that only possessors of the special pass are admitted.

Access to the information contained in these records is controlled by various manual and automated devices. Only those employees who require the information to perform their duties may obtain it.

Some automated records are maintained in program service centers located throughout the country (See Appendix A for address information). Entrance to the program service center buildings is restricted to employees with building passes. In addition, special passes identify those employees whose duties require entry into the computer rooms. Access to the information contained in these records is also controlled. Only employees who require the information to perform their duties may obtain it.

Data is transmitted from field offices and program service centers to headquarters and return. For the most part, sensitive and urgent traffic is sent over lines leased by the Social Security Administration for its sole use. The remaining traffic sent directly by wire is sent via lines leased by the Federal Government for use of all Federal agencies.

Internal computed security is safeguarded by access codes, edit checks, data reformatting and return address codes. These assure that only authorized access to the computer system is permitted, that the particular data requested from the system can be released to the requester, and that control is maintained over the locations to which systems data may be sent.

Appendix K—Obtaining Access to Records

An individual must present sufficient evidence to establish identity in order to obtain information pertaining to him from the Social Security Administration's records.

Requests for disclosure of information may be made in the following ways:

1. In person—No special documents of identity are required if a request for information is made in person. It is expected that documents an individual

would normally carry on his person would be sufficient; the following would be acceptable although this list is not intended to be all-inclusive: credit cards, driver's license, motor vehicle registration card, building pass, voter registration cards, and selective service registration certificate. A Social Security number card is acceptable only when presented with other evidence.

2. Via mail—An individual requesting information from the Social Security Administration's records via mail must provide his/her name, date of birth, and address in order to establish his identity, plus any additional information required (in the system notice) to access his/her record within a specific system of records.

3. Via telephone—An individual requesting information via telephone must furnish the same information as listed in 2 above.

Appendix L—Field Assessment Offices

1. Addresses and Service Areas

Boston Region

P.O. Box 155, Boston, Massachusetts 02101.

Service area includes: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

New York Region

P.O. Box A154, Peck Slip Station, New York, New York 10038.

Service area includes: New Jersey, New York, Puerto Rico, Virgin Islands

Philadelphia Region

P.O. Box 13733, Philadelphia, Pennsylvania 19101.

Service area includes: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

Atlanta Region

Suite 2001, 101 Marietta Tower, Atlanta, Georgia 30323.

Service area includes: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Chicago Region

300 South Wacker Drive, 14th Floor, Chicago, Illinois 60606.

Service area includes: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Dallas Region

1200 Main Tower, Room 2235, Dallas, Texas 75202.

Service area includes: Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Kansas City Region

601 East 12th Street, Room 468, Kansas City, Missouri 64106.

Service area includes: Iowa, Kansas, Missouri, Nebraska

Denver Region

P.O. Box 8839, Denver, Colorado 80201.

Service area includes: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

San Francisco Region

100 Van Ness Avenue, 25th Floor, San Francisco, California 94102.

Service area includes: American Samoa, Arizona, California, Guam, Hawaii, Nevada

Seattle Region

Arcade Plaza Building, Mail Stop Number 219, 1321 Second Avenue, Seattle, Washington 98101.

Service area includes: Alaska, Idaho, Oregon, Washington

2. Field Assessment Satellite Offices

Boston Service Area

P.O. Box 155, Boston, Massachusetts 02101.

P.O. Box 6, Canal Station, Portland, Maine 04112.

New York Service Area

P.O. Box 7385, New Brunswick, New Jersey 08903.

Philadelphia Service Area

P.O. Box 8788, Philadelphia, Pennsylvania 19101.

725 Kossman Building, Fobes and Stanwix Streets, Pittsburgh, Pennsylvania 15222.

2000 Century Plaza, Suite 454, 10632 Little Patuxent Parkway, Columbia, Maryland 21044.

Atlanta Service Area

1568 Willingham Drive, Suite 214-D, College Park, Georgia 30337.

P.O. Box 662, Birmingham, Alabama 35201.

P.O. Box 17707, Raleigh, North Carolina 27619.

1102 Kermit Drive, Suite 104, Nashville, Tennessee 37217.

Chicago Service Area

300 South Wacker Drive, Room 1749, Chicago, Illinois 60606.

1084 McNamara Building, 477 Michigan Avenue, Detroit, Michigan 48226.

Federal Building, Room 658, 316 Robert Street, St. Paul, Minnesota 55101.

Federal Building, Room 284, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.

Dallas Service Area

P.O. Box 709, Grand Prairie, Texas 75051.

P.O. Box 8770, Metairie, Louisiana 70011.

50 Penn Place, Suite 410, Oklahoma City, Oklahoma 73118.

Kansas City Service Area

P.O. Box 15568, Kansas City, Missouri 64106.

Denver Service Area

7200 West Alameda, Suite 208, Lakewood, Colorado 80226.

Treasure State Building, Room 310, 2906 Second Avenue, North Billings, Montana 59101.

P.O. Box 2638, Salt Lake City, Utah 84110.

San Francisco Service Area

100 Van Ness Avenue, 26th Floor, San Francisco, California 94102.

4640 Admiralty Way, Suite 201, Marina Del Rey, California 90241.

P.O. Box 50048, Honolulu, Hawaii 96850.

Seattle Service Area

Dexter Horton Building, Room 501, 710 Second Avenue, Seattle, Washington 98104.

Appendix M—Field Assessment Offices and Central Office Supplemental Security Income (SSI) Analysis Components

Boston

SSI Analysis Branch, Room 1607, 100 Summer Street, Boston, Massachusetts 02110.

New York

SSI Analysis Branch, Room 34-110, 26 Federal Plaza, New York, New York 10278.

Philadelphia

SSI Analysis Branch, P.O. Box 8229, Philadelphia, Pennsylvania 19101.

Atlanta

SSI Analysis Branch, P.O. Box 1684, Suite 1804, 101 Marietta Tower, Atlanta, Georgia 30301.

Chicago

SSI Analysis Branch, 14th Floor, 300 South Wacker Drive, Chicago, Illinois 60606.

Dallas

SSI Analysis Branch, Room 2235, 1200 Main Tower, Dallas, Texas 75202

Kansas City

SSI Analysis Branch, P.O. Box 15507, Kansas City, Missouri 64106.

Denver

SSI Analysis Branch, P.O. Box 3579, Denver, Colorado 80294.

San Francisco

SSI Analysis Branch, 22nd Floor, 100 Van Ness Avenue, San Francisco, California 94102.

Seattle

SSI Analysis Branch, Arcade Plaza Building, Mail Stop 217, 1321 Second Avenue, Seattle, Washington 98101.

Central Office

Office of Assessment, Division of Assistance and Records Operations Quality, P.O. Box 17040, Baltimore, Maryland 21235.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Department of Health And Human Services (DHHS); Public Health Service (PHS); Office of the Assistant Secretary for Health (OASH).

ACTION: OASH is publishing this document to meet the requirements of section 3(e)(4) of the Privacy Act (5 U.S.C. 552a), providing annual publication of the existence and character of systems of records which are subject to the Act.

SUMMARY: This preamble summarizes significant changes to systems of individually identifiable records which have occurred since the 1981 annual publication. OASH has added no new systems of records since the 1981 annual publication. Nor have we deleted any systems of records from our inventory during the year.

Notices of all systems of records currently maintained by OASH follow this preamble. The notices include modifications for the purposes of clarity, timeliness, and correctness, and are complete as of the date of signature below. None of the modifications being made at this time meet the OMB criteria either for a new or altered system report, or for an advance period of public comment.

SUPPLEMENTARY INFORMATION:

A. General Information

1. The routine uses set forth in each notice describe permissible disclosures outside the Department of records in that system, which may be made without the consent of individuals who are the subjects of those records. Additional disclosures without consent of subject individuals are permitted by the Privacy Act itself in Section 3(b), as follows:

"(1) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

"(2) Required under section 552 of this title [the Freedom of Information Act];

"(3) For a routine use as [described in the routine use section of each specific system notice];

"(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

"(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record,

and the record is to be transferred in a form that is not individually identifiable;

"(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has value;

"(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

"(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

"(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

"(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

"(11) pursuant to the order of a court of competent jurisdiction."

2. OASH has carefully reviewed each of its system notices this year with a view toward enhancing clarity and specificity, as well as to incorporate normal updating changes, such as changes in designated system manager or in system location. Revisions for clarity and specificity include, but are not limited to, the following:

a. Addition to the "Notification Procedure" or "Access Procedure" section of system notices the specific information which the system manager needs in order to verify that the subject individual is who he or she claims to be, in addition to the information needed in order to locate the records being sought.

b. Addition to the "Contesting Record Procedures" section of system notices the fact that the requester must provide justification for whatever corrective action he or she is seeking.

c. For systems of records pertaining to Commissioned Corps personnel, addition of greater detail to the "Safeguards" section of system notices with particular reference to the categories of employees whose official duties require that they have access to the particular system, and clarification of the guidance cited for the development of adequate safeguards.

B. Specific Information

1. System 09-37-0003, PHS Commissioned Corps Medical Records, HHS/OASH/OM. In previous annual publications, the "Purpose(s)" section of this system notice stated that records are provided to Public Health Service (PHS) hospitals and clinics to promote continuity of care for officers. In 1981, however, the PHS hospitals/clinics were either closed or transferred to non-Federal successor organizations. PHS has contracted with the successor organizations to provide medical care to officers of the Commissioned Corps. We have updated this system notice to reflect the contractual arrangements by the addition of a routine use for this purpose, and the concomitant deletion of the former statement in the "Purpose(s)" section. Because of the fact that the new routine use has, in fact, been an established purpose of the system for many years, an advance public comment period is not required. For further information regarding patient medical records affected by the closing/transfer of PHS hospitals/clinics, see the *Federal Register*, Vol. 47, No. 11 (January 18, 1982), pp. 2510-2513.

2. System 09-37-0005, PHS Commissioned Corps Board Proceedings, HHS/OASH/OM. This system of records has an exemption from the access and contest (correction) provisions of the Privacy Act for records in the system that relate to testing and examination materials which are used solely to determine individual qualifications for appointment or promotion in the PHS Commissioned Corps. However, the section of the system notice which describes categories of records in the system has, in each previous annual publication, omitted mention of this category. We have corrected that oversight this year by making clear that such records are contained in, and limited to, the files of the Appointment Board and the Promotion Board. This clarification does not constitute an expansion of the categories of records in the system and, therefore, is not a major alteration which would require an advance public comment period.

3. System 09-37-0006, PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files, HHS/OASH/OM. The "Purpose(s)" section of the system notice formerly stated that the system is used both by the Commissioned Personnel Operations Division to accomplish several types of personnel actions and "by those assisting in these

actions." This year we have deleted the quoted phrase and have substituted more accurate language to indicate that the system is used by Department officials who have the authority to review or make decisions about these actions. This change is a clarification only; it does not constitute a major alteration to the purpose of the system.

4. System 09-37-0008, PHS Commissioned Corps Unofficial Personnel Files and Other Station Files, HHS/OASH/OM. The section of the notice describing the categories of records in the system has been changed to reflect more clearly which records are unique to field stations, and which duplicate records contained in system 09-37-0007, PHS Commissioned Corps General Personnel Records, HHS/OASH/OM. This change is a clarification only; it does not constitute an expansion of the categories of records in the system.

Readers who notice any inadvertent errors or omissions in OASH system notices are invited to bring them to my attention at the following address: Department of Health and Human Services, Public Health Service, Office of the Assistant Secretary for Health, Office of Management, 5600 Fishers Lane, Room 17-25, Rockville, Maryland 20857.

Dated: September 9, 1982.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

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09-37-0001

SYSTEM NAME:

Office of the Assistant Secretary for Health Correspondence Control System, HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Public Health Service Executive Secretariat, Room 710H, Hubert H. Humphrey Building, 200 Independence Ave. SW., Washington, D.C. 20201
National Center for Health Statistics, Room 2-19, 3700 East-West Highway, Hyattsville, MD 20782
National Center for Health Services Research, Room 8-41, 3700 East-West Highway, Hyattsville, MD 20782
and
Federal Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contacted either the Assistant Secretary for Health, the Surgeon General, a Deputy Assistant Secretary, or a PHS Staff Office Director, or have been contacted in writing by one of these officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Hard copies of the actual correspondence, and computer or word processor print-out and tape or disk control system records of that correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301. Departmental Regulations.

PURPOSE(S):

To control and track all correspondence documents addressed or directed to the Assistant Secretary for Health or his subordinates as indicated above, as well as documents initiated by them, in order to assure timely and appropriate attention.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Correspondence records are maintained in hard copy. Control records are maintained on computer or word processor print-out, tape, and disk.

RETRIEVABILITY:

Hard copy records are indexed alphabetically by name of addressee and date of outgoing correspondence; or by name of sender and date of incoming correspondence; or by subject. Records may also be cross-referenced.

SAFEGUARDS:

Hard copy records are maintained in file cabinets that are lockable, or in rooms which are locked after office hours. During office hours, access to hard copy records is limited to authorized personnel. Access to the computerized subsystem is limited to specific individuals (correspondence assistants) through the use of passwords. These safeguards are in accordance with chapter 45-13 in the Department's General Administration Manual, supplementary chapter PHS.hf: 45-13, and with part 6 of the Department's ADP systems manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the Office of the Assistant Secretary for Health records control schedule. The records control schedule may be obtained by writing to the appropriate System Manager at the address for that official which is indicated under System Location above.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Public Health Service Executive Secretariat (address as above); Director, National Center for Health Statistics (address as above); Director, National Center for Health Services Research (address as above).

Policy coordination is provided by: Director, Office of Organization and Management Systems, Office of Management, Room 17-53, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

Inquiries should indicate the name of the individual with whom the Office of the Assistant Secretary for Health corresponded, the date of the incoming correspondence, if any, and the date of the outgoing correspondence. Inquiries should be addressed to the appropriate Systems Manager, listed above, not to the policy coordination official.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters must state that they are who they claim to be, and understand that obtaining information under false pretenses is subject to a maximum statutory penalty of 5,000.00 dollars.

CONTESTING RECORD PROCEDURES:

Contact the appropriate System Manager at the address for that official specified under System Location above, and reasonably identify the record, specify the information to be contested, the corrective action sought, and the reason for seeking the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Records are derived from incoming correspondence to, and the outgoing correspondence of, the Assistant Secretary for Health or his subordinates as indicated above.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-37-0002

SYSTEM NAME:

PHS Commissioned Officer Personnel Data System. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857

and

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers, former commissioned officers, dependents and survivors of the above, and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain applications for appointment, references and other

documents relating to qualifications or suitability for appointment and assignment, including medical intern and residency evaluations; Service Record Cards (summarizing personnel actions); efficiency and progress reports; career development and training records; documents relating to promotion, retention, separation, and other personnel actions; applications and records of Service action relating to pay, travel, and allowances (including overseas educational allowances for dependents); identification and privilege card records; applications and records of Service action relating to Commissioned Officer Residency Deferment Program and Commissioned Officer Student Training and Extern Programs; survivor benefits; selection system applications; non-board terminations and reprimands issued after final administrative action; race/national origin data; medical data; leave records; awards and authorizations; Official Personnel Folders (OPF); and correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq.; 42 U.S.C. 410(m) et seq.; and Executive Orders 9397 and 10450.

PURPOSE(S):

The OPF and other general personnel records files are the official repository of the records, reports of personnel actions, and the documents and papers required in connection with these actions effected during an officer's service. The personnel orders and other documents, some of which are filed as permanent records in the OPF, give legal force and effect to personnel transactions and establish officer rights and benefits under the pertinent laws and regulations governing the Commissioned Corps personnel system.

These records provide the basic source of factual data about an officer's Federal employment while in the Commissioned Corps and after his/her separation, including retirement.

Except for race/national origin data, the information is used by the Commissioned Personnel Operations Division (CPOD) to determine qualifications and suitability for appointment, selection, career development and training, transfers, promotions, pay and allowances and other financial benefits and obligations, retention and other personnel actions, and in the preparation of the Commissioned Officer Roster and Promotion Seniority of the Public Health Service.

The race/national origin data are used for statistical purposes in aggregate form

only to provide departmental or congressional reports on the composition of the Commissioned Corps.

Medical data are used to evaluate applicants for appointment and officers for reassignment and fitness for duty.

Because the Commissioned Corps consists solely of health professionals, information relating to an officer's assignments, duties, pay, length of service, etc., may provide useful material for research by the Office of the Secretary, HHS, and the Office of the Assistant Secretary for Health, PHS, concerning the activities of health personnel.

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

These records or information from these records may be used:

1. To disclose information to the Office of Management and Budget for budgetary or management oversight purposes.

2. To disclose information for a research purpose, when the Department has:

a. Determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

b. Determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. Required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under the same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit relating to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity

consistent with the purpose of the audit, or (d) when required by law; and

d. Secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

3. To disclose information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. In the event of litigation where the defendant is:

a. The Department, any component of the Department, or any employee of the Department in his or her official capacity;

b. The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

c. Any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Automated files are stored on discs and magnetic tapes. Nonautomated (hard-copy) files are kept in Lektrievers, conserv-a-files, safes, and in offices.

RETRIEVABILITY:

Alphabetically by name, by PHS serial number, and by Social Security Number in accordance with Section 7(a)(2)(B) of the Privacy Act and Executive Order 9397.

SAFEGUARDS:

Access to and use of automated records is limited to personnel employed in the Office of Personnel Management/OM/PHS and the Commissioned Officers Systems Branch/Data Systems Division/Employee Systems Center/Principal Deputy Assistant Secretary for Personnel Administration/Office of the Assistant Secretary for Personnel Administration/Office of the Secretary, whose official duties require such access. Automated records are secured by assigning individual access codes to authorized personnel. These safeguards are provided for automated records in accordance with Part 6 of the Department's ADP Systems Manual.

Access and use of nonautomated records is limited to Departmental employees whose official duties require such access; to individuals needing access to the information for purposes stated under Routine Uses above and to individuals who have written permission to review the file when that permission has been obtained from the individual who the file concerns. These individuals are permitted access to files only after they have satisfactorily identified themselves as having an official need to review information. They must complete Privacy Act nondisclosure oaths and must submit a written request for access to Official Personnel Files showing the name and employing office of the requester, the date on which the file is requested, and the purpose for reviewing the material in the file. This written request is then placed into the file. All files are secured when employees are absent from the premises and are further protected by combination locks on entryways and by the building security force. These safeguards are provided for nonautomated records in accordance with chapters 45-13 and PHS.hf:45-13 of the Department's General Administration Manual.

RETENTION AND DISPOSAL:

These records are maintained for varying periods of time. The OPF is maintained one year after the officer separates from active duty, at which time such officer's OPF is transferred to a Federal Records Center for permanent storage. Service Record Cards which list critical data with regard to the dates of the officer's appointment, reassignments, and separation are maintained for five years after the officer separates from active duty and are subsequently destroyed.

SYSTEM MANAGER AND ADDRESS:

Director, CPOD (See System Location above).

NOTIFICATION PROCEDURE:

An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be addressed to the System Manager and signed. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Denial of access may be appealed to the Director, Office of Management, PHS, Room 17-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the System Manager at the address specified under System Location above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

From individual officers and applicants; from persons providing references, and from the records contained in the following systems: 09-37-0004, "PHS Commissioned Corps Training Files," HHS/OASH/OM; 09-37-0005, "PHS Commissioned Corps Board Proceedings," HHS/OASH/OM; 09-37-0006, "PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files," HHS/OASH/OM; 09-37-0007, "PHS Commissioned Corps General Personnel Records," HHS/OASH/OM, and 09-37-0008, "PHS Commissioned Corps Unofficial Personnel Files and Other Station Files," HHS/OASH/OM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from this record system except when, in accordance with the provisions of 5 U.S.C. 552a(k)(5), (a) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or (b) if the information was obtained prior to September 27, 1975, disclosure of such information would reveal the identity of the source who provided information under an implied promise that the identity of the source would be held in confidence.

09-37-0003

SYSTEM NAME:

PHS Commissioned Corps Medical Records. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857 and

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PHS commissioned officers; applicants to the Commissioned Corps; retired and terminated officers; and dependents of officers who request certification of the dependent's incapacity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical files and records on individuals covered; medical board records; death case files and supporting documents; and correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq.

PURPOSE(S):

The information is used by the Commissioned Personnel Operations Division (CPOD) to:

Evaluate applicants for appointment and officers for reassignment and fitness for duty;

Make determinations about the level of an officer's disability and entitlement to disability severance or retired pay;

Make budgetary estimates about the cost of disability severance and retired pay;

Prepare reports or provide statistical information relating to the medical status of officers; and

Provide information relating to the death of officers to the Social Security Administration or other Department components to determine the social security benefits or other benefits which may be available to the survivors of deceased officers.

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

These records and information from these records may be used:

1. To disclose information to the Veterans Administration in the event of post-service claims or continued medical care while still on active duty.

2. To disclose information to the Bureau of Prisons (Department of

Justice), Coast Guard (Department of Transportation), Agency for International Development (Department of State), Department of Defense, including the Uniformed Services University of the Health Sciences, Environmental Protection Agency, and other Federal agencies where commissioned officers are assigned or are receiving medical treatment, to ensure continuity of treatment.

3. To disclose information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. In the event of litigation where the defendant is:

(a) The Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) Any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

5. To promote continuity of care by supplying information to medical care facilities which, under contract, provide treatment to officers.

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

Automated (disc) and nonautomated (hard-copy) files.

RETRIEVABILITY:

Alphabetically by name, by PHS Serial Number, or by CPOD-assigned Applicant Processing Number.

SAFEGUARDS:

Access to and use of both automated and nonautomated records is limited to Medical Branch staff, CPOD file room personnel, and Department officials who are responsible for medical fitness determinations. Personnel screening and Privacy Act nondisclosure oath are employed to prevent unauthorized disclosure. Nonautomated records are kept in Lektrievers, Conserv-a-Files, and safes in restricted, inner-office area protected by building guard force. Automated records are secured by

assigning individual access codes to authorized personnel. These safeguards are in accordance with chapters 45-13 and PHS.hf:45-13 of the Department's General Administration Manual, and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records are transferred to a Federal Records Center within one year after the officer is separated from the Commissioned Corps. Medical records on non-selected applicants are destroyed after five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD (See System location above).

NOTIFICATION PROCEDURE:

An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be addressed to the System Manager and signed. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested.

If a determination is made that the material sought contains medical information that is potentially detrimental to the requestor, the requestor shall be asked to designate in writing a responsible representative who will be willing to review the record and inform the subject individual of the material's contents at the representative's discretion.

A parent or guardian who requests notification of or access to a dependent/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the dependent/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record, specify the information being contested, and state the corrective

action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

From individual officers and other Commissioned Corps officials; applicants; private and governmental physicians; hospitals and clinics rendering treatment; investigative reports; and records contained in system 09-37-0002, "PHS Commissioned Officer Personnel Data System," HHS/OASH/OM; death certificates and reports of death; and from survivors and executors of estates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-37-0004

SYSTEM NAME:

PHS Commissioned Corps Training Files. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857 and
General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicants for and records of continued professional training, Commissioned Officers Student Training and Extern Programs, Commissioned Officer Residency Deferment Program, and Delayed Call to Active Duty Program; references; correspondence relating to applications for training and assignments into training programs; and documents relating to the (a) annual projection of individual training necessary to maximize personal career development goals and mission accomplishment; (b) tuition, personnel, and travel costs; (c) course name and training facility at which offered; and (d) personal data including name, pay grade, Social Security Number, security clearance, resume of educational background to include academic achievements, on-the-job and formal classroom training, and related management reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq., and Executive Order 9397.

PURPOSE(S):

Used by the Commissioned Personnel Operations Division (CPOD) to:
Determine eligibility for training;
Prepare cost estimates for such training; and
Prepare reports on the number of trainees and types of training undertaken by commissioned officers.

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

These records or information from these records may be used:

1. To disclose information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where the defendant is:

(a) The Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) Any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Automated (disc) and nonautomated (hard-copy) files.

RETRIEVABILITY:

By officer's name in alphabetical order and by Social Security Number in accordance with Section 7(a)(2)(B) of the Privacy Act and Executive Order 9397.

SAFEGUARDS:

Access to and use of both nonautomated and automated records is limited to CPOD administrative staff whose official duties require such access. Personnel screening and Privacy Act nondisclosure oath are employed to prevent unauthorized disclosure. Automated records are secured by

assigning individual access codes to authorized personnel. Nonautomated records are kept in Lektrovers, Conserv-a-Files, and safes in restricted area protected by building guard force. These safeguards are in accordance with chapters 45-13 and PHS.hf:45-13 of the Department's General Administration Manual, and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Records are retained in permanent PHS Commissioned Corps files and are transferred to the Official Personnel Folder (OPF) when an officer becomes inactive. OPF is transferred to a Federal Records Center one year after the officer's date of separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD (See System Location above).

NOTIFICATION PROCEDURE:

An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be addressed to the System Manager and signed. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Denial of access may be appealed to the Director, Office of Management, PHS at the following address: Director, Office of Management/PHS, Room 17-25 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the System Manager at the address specified under System Location above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

From officers and applicants concerned; from persons providing

references; and from the records contained in system 09-37-0002, "PHS Commissioned Officer General Personnel Data System," HHS/OASH/OM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from this record system except when, in accordance with the provisions of 5 U.S.C. 552a(k)(5), (a) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or (b) if the information was obtained prior to September 27, 1975, disclosure of such information would reveal the identity of the source who provided information under an implied promise that the identity of the source would be held in confidence.

09-37-0005

SYSTEM NAME:

PHS Commissioned Corps Board Proceedings. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857
Board for Correction of PHS Commissioned Corps Records/OM/OASH, Room 17-53, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857
and
Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in the system consist of the following:

1. Commissioned Officers Awards Board files consisting of nominations, citations, and related documents.
2. Appointment Board files consisting of applications, references, school transcripts, and other materials used in the appointment examination process.
3. Promotion Board files consisting of Commissioned Officer Efficiency and Progress Reports (COEPRs), recommendations from PHS

components, citations and awards, information pertaining to disciplinary actions, and other materials used to examine candidates for promotion.

4. Involuntary Separation Board files consisting of COEPRs, PHS component recommendations with respect to separations, information pertaining to disciplinary actions, references, and statements of the officer with respect to marginal or substandard performance.

5. Boards of Investigation files consisting of COEPRs, PHS component allegations of misconduct, documentation relating to misconduct, and statements of the officer relating to alleged instances of misconduct.

6. Retirement Boards files consisting of COEPRs, PHS component evaluations on the continued need of the officer, and statements of the officer concerning his/her request for retirement.

7. Continuation Pay (CP) Review Board files consisting of COEPRs, CP contracts, certification of eligibility by PHS components, school transcripts, and related documents.

8. Medical Officer Special Pay Review Board files consisting of COEPRs, retention special pay contracts, certification of eligibility by PHS components, school transcripts, and related documents.

9. Assimilation Board files consisting of COEPRs, PHS component recommendations, awards and citations, and information pertaining to disciplinary actions.

10. Three-Year File Review Board files consisting of COEPRs, recommendations from PHS components, citations and awards, and information pertaining to disciplinary actions.

11. Board for Correction of PHS Commissioned Officer Records files consisting of applications, case briefs, findings, conclusions, recommendations, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq., and 5 U.S.C. 4501, and Executive Order 9397. For the Board for Corrections, the authorities are 10 U.S.C. 1552; 42 U.S.C. 213a(a)(12).

PURPOSE(S):

Used by PHS Commissioned Corps Boards to recommend or decide on appropriate actions in the categories listed above, and by the Commissioned Personnel Operations Division (CPOD) in the preparation of the PHS Commissioned Officer Roster and Promotion Seniority of the Public Health Service which contains the names and status of officers on active duty. With regard to the Board for Correction, records are used to review and act on

claims of errors or injustices in personnel records.

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

These records or information from these records may be used:

1. To disclose information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where the defendant is:

a. The Department, any component of the Department, or any employee of the Department in his or her official capacity;

b. The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

c. Any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Information and files related to boards and their proceedings exist in hard-copy form, with supporting data stored on automated word processing tapes and discs.

RETRIEVABILITY:

Alphabetically by name of officer for information in hard-copy form, and by access code for information stored on automated discs and tapes.

SAFEGUARDS:

Hard-copy records of PHS Commissioned Corps boards are stored in metal filing cabinets located in office areas which are occupied continuously during working hours and are locked during nonworking hours. Board records and files which contain sensitive information and material are kept in locked metal safes. Access to these records is limited to the Board members, support staff, CPOD staff who demonstrate a need to know, and, for the Board for Corrections of PHS Commissioned Corps Records only, the Director, Office of Management, PHS, who has been delegated authority for

approval or disapproval of all actions of this Board. All office entryways are protected with combination locks, the combinations of which are routinely changed. In addition, the building security force oversees secured areas during nonworking hours. These safeguards for nonautomated records are provided in accordance with chapters 45-13 and PHS.hf:45-13 of the Department's General Administration Manual.

Automated data related to boards and their proceedings are secured by assigning individual access codes to authorized personnel, and by assigning passwords to documents which contain sensitive materials. Passwords are known only to the author of the material and the CPOD security officer. These safeguards for automated records are provided in accordance with Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Findings and recommendations of the first ten Boards listed above are destroyed after one year unless needed for a longer period of time for administrative purposes. However, records relating to the Board for Correction of PHS Commissioned Corps Records are transferred to Washington National Records Center (WNRC) one year after a change recommended by the Board in a personnel record has been effected by CPOD, or three years after a recommendation by the Board denying an applicant's request for a change in his/her record, whichever is applicable to the final disposition of a case. Records are destroyed by the WNRC after 20 years by pulping.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD, and Chairman, Board for Correction of PHS Commissioned Corps Records (See System Location above).

NOTIFICATION PROCEDURE:

An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be addressed to the responsible System Manager and signed. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Denial of access may be appealed to the Director, Office of Management, PHS, Room 17-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857; except for denials of access to records of the Board for Correction of PHS Commissioned Officer Records, which may be appealed to the Assistant Secretary for Health, Room 716G, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the responsible System Manager at the appropriate address specified under System Location above, reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

From individuals themselves or their service records; efficiency and progress reports; persons providing references; reports of findings and recommendations made by Board members; supervisors; private and governmental physicians; hospitals and clinics rendering treatment; investigative reports; death certificates and reports of death; survivors and executors of estates; and records contained in systems 09-37-0002, "PHS Commissioned Officer Personnel Data System," HHS/OASH/OM; 09-37-0003, "PHS Commissioned Officer Medical Records," HHS/OASH/OM; 09-37-0004, "PHS Commissioned Corps Training Files," HHS/OASH/OM; 09-37-0006, "PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files," HHS/OASH/OM; 09-37-0007, "PHS Commissioned Corps General Personnel Records," HHS/OASH/OM, and 09-37-0008, "PHS Commissioned Corps Unofficial Personnel Files and Other Station Files," HHS-OASH-OM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from this record system except when, in accordance with the provisions of 5 U.S.C. 552a(k)(5), (a) disclosure of such information would reveal the identity of a source who furnished information to the

Government under an express promise that the identity of the source would be held in confidence, or (b) if the information was obtained prior to September 27, 1975, disclosure of such information would reveal the identity of the source who provided information under an implied promise that the identity of the source would be held in confidence. Pursuant to 5 U.S.C. 552a(k)(6) all material and information in this system of records about an individual that meet the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a(c)(3); (e)(4) (G), (H), and (I); and (f) relating to access and contest, making an accounting of disclosures to the individual named in the record, and testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the PHS Commissioned Corps. The specific material that is exempted is as follows:

- Answer keys.
- Ratings given for the purpose of validating examinations.
- Rating sheets.
- Rating schedules, including crediting plans.
- Transmutation tables.
- Test booklets.
- Test item files.

09-37-0006

SYSTEM NAME:

PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation, and Disciplinary Files. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857 and General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files concerning grievances filed by or against commissioned officers; disciplinary actions, involuntary retirements and involuntary separations (non-board or pre-board actions) taken

against commissioned officers; and correspondence related thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq., and 5 U.S.C. 4501.

PURPOSE(S):

Used by the Commissioned Personnel Operations Division (CPOD) to decide or process grievances, involuntary retirements, involuntary separations, or disciplinary actions, and by officials elsewhere in the Department who have the authority to review or make decisions about these actions in any given case.

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

These records and information from these records may be used:

1. To disclose information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. In the event of litigation, where one of the parties is:
 - (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity;
 - (b) The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or
 - (c) Any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Automated (disc) and nonautomated (hard-copy) files.

RETRIEVABILITY:

Alphabetically by officer's name.

SAFEGUARDS:

Access to and use of both nonautomated and automated records is limited to personnel whose official duties require such access. For example, automated records are secured by assigning individual access codes to authorized personnel. Individuals are

permitted access to the nonautomated files only after they have satisfactorily identified themselves as having an official need to review information. Individuals must have written permission to review the files from the individual who the file concerns. In addition, a Privacy Act nondisclosure oath is employed to prevent unauthorized disclosure. Authorized personnel include CPOD administrative staff and other Department officials responsible for making determinations regarding the disposition of grievances, involuntary terminations, or disciplinary actions. Nonautomated records kept in Lektrivers, Conserv-a-Files, and safes in restricted area protected by building guard force.

These safeguards are provided for both automated and nonautomated records in accordance with chapters 45-13 and PHS.hf:45-13 of the Department's General Administration Manual, and Part 6 of the Department's ADP Systems Manual.

RETENTION AND DISPOSAL:

Grievance files are destroyed after two years, or earlier if no longer needed for administrative purposes. Other records are transferred to a Federal Records Center one year after the officer separates from active duty, unless the officer is retired or the disciplinary action results or is likely to result in litigation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD (See System location above).

NOTIFICATION PROCEDURE:

An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests, addressed to the System Manager, must be signed. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified under System Location above and reasonably identify the record, specify the information being contested, and state the corrective

action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

From individuals themselves; from reports of CPOD investigations; and from reports of review boards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-37-0007

SYSTEM NAME:

PHS Commissioned Corps General Personnel Records. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857 and
General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers, former commissioned officers, dependents and survivors of the above, and applicants to the PHS Commissioned Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain application forms for appointment, references and other documents relating to qualifications or suitability for appointment and assignment, including medical intern and residency evaluations; Service Record Cards (summarizing personnel actions); efficiency and progress reports; career development and training records; documents relating to promotion, retention, separation, and other personnel actions; applications and records of Service action relating to pay, travel, and allowances (including overseas educational allowances for dependents); identification and privilege card records; applications and records of Service action relating to Commissioned Officer Residency Deferment Program and Commissioned Officer Student Training and Extern Programs; survivor benefits; selection system applications; non-board terminations and reprimand issued after final administrative action; leave records; awards and authorizations;

Official Personnel Folders; and correspondence relating to the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq., and Executive Orders 9397 and 10450.

PURPOSE(S):

Used by the Commissioned Personnel Operations Division (CPOD) to determine qualifications and suitability for appointment, selection, career development and training, transfers, promotions, financial benefits and obligations, retention and other personnel actions; and in the preparation of the Commissioned Officer Roster and Promotion Seniority of the Public Health Service.

Because the Commissioned Corps consists solely of health professionals, information relating to an officer's assignments, duties, pay, length of service, etc., may provide useful material for research by the Office of the Secretary, HHS, and the Office of the Assistant Secretary for Health, PHS, concerning the activities of health personnel.

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

These records and information from these records may be used:

1. To disclose information to other Federal agencies in the event of their appointment of former officers.
2. To disclose information to other Federal agencies to the extent necessary to obtain suitability and security investigation reports.
3. To disclose information to the Department of Defense in the event of a national emergency to the extent necessary to provide assistance during an emergency situation.
4. To disclose information to the Federal Housing Administration and the Veterans Administration to the extent necessary to act on employment claims and determine benefits.
5. To disclose information to the Bureau of Prisons (Department of Justice), Coast Guard (Department of Transportation), Agency for International Development (Department of State), Uniformed Services University of the Health Sciences (Department of Defense), and Environmental Protection Agency, which may need such information about commissioned officers assigned or detailed to those agencies.
6. To disclose information for a research purpose, when the Department has:
 - a. Determined that the use or disclosure does not violate legal or

policy limitations under which the record was provided, collected, or obtained;

b. Determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. Required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under the same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit relating to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

d. Secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

7. To disclose information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. In the event of litigation where the defendant is:

a. The Department, any component of the Department, or any employee of the Department in his or her official capacity;

b. The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

c. Any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Automated files are stored on discs and magnetic tapes. Nonautomated (hard-copy) files are kept in Lektrievers, conserv-a-files, safes, and in offices.

RETRIEVABILITY:

Alphabetically by name, by PHS serial number, and by Social Security Number in accordance with Section 7(a)(2)(B) of the Privacy Act and Executive Order 9397.

SAFEGUARDS:

Access to and use of automated records is limited to personnel employed in the Office of Personnel Management/OM/PHS and the Commissioned Officers Systems Branch/Data Systems Division/Employee Systems Center/Principal Deputy Assistant Secretary for Personnel Administration/Office of the Assistant Secretary for Personnel Administration/Office of the Secretary, whose official duties require such access. Automated records are secured by assigning individual access codes to authorized personnel. These safeguards are provided for automated records in accordance with Part 6 of the Department's ADP Systems Manual.

Access to and use of nonautomated records is limited to Departmental employees whose official duties require such access; to individuals needing access to the information for purposes stated under Routine Uses above; and to individuals who have written permission to review the file when that permission has been obtained from the individual who the file concerns. Individuals are permitted access to files only after they have satisfactorily identified themselves as having an official need to review information. Individuals seeking access to a record must complete Privacy Act nondisclosure oaths and must submit a written request for access to Official Personnel Files showing the name and employing office of the requester, the date on which the file is requested, and the purpose for reviewing the material in the file. This written request is then placed into the file. All files and offices are secured when employees are absent from the premises, and are further protected by combination locks on entryways and by the building security force. These safeguards are provided for nonautomated records in accordance with chapters 45-13 and PHS.hf:45-13 of the Department's General Administration Manual.

RETENTION AND DISPOSAL:

Applicant files are destroyed after five years if the applicant is not commissioned. Files of Corps officers are retained throughout the individual's employment. The Official Personnel Folder is transferred to a Federal Records Center one year after the officer's separation. Identification and privilege cards and records are disposed of when an officer is no longer entitled to use them.

SYSTEM MANAGER(S) AND ADDRESS:

Director, CPOD (See System location above).

NOTIFICATION PROCEDURE:

An individual who is the subject of a record and who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be addressed to the System Manager and signed. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought. Access to records systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Denial of access may be appealed to the Director, Office of Management, PHS, Room 17-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the System Manager at the address specified under System Location above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

From individual officers and applicants; from persons providing references, and from the records contained in the following systems: 09-37-0002, "PHS Commissioned Officer Personnel Data System, HHS/OASH/OM; 09-37-0004, "PHS Commissioned Corps Training Files," HHS/OASH/OM; 09-37-0005, "PHS Commissioned Corps Board Proceedings," HHS/OASH/OM; 09-37-0006, "PHS Commissioned Corps Grievance, Non-Board and Pre-Board

Involuntary Retirement/Separation, and Disciplinary Files," HHS/OASH/OM; and 09-37-0008, "PHS Commissioned Corps Unofficial Personnel Files and Other Station Files," HHS/OASH/OM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from this record system except when, in accordance with the provisions of 5 U.S.C. 552a(k)(5), (1) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or (2) if the information was obtained prior to September 27, 1975, disclosure of such information would reveal the identity of the source who provided information under an implied promise that the identity of the source would be held in confidence.

09-37-0008

SYSTEM NAME:

PHS Commissioned Corps Unofficial Personnel Files and Other Station Files. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Operating offices of the Department (duty station) responsible for the individual's employment, and General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned officers, former commissioned officers, with their dependents assigned to the subject installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Training records, financial management records, travel and transportation documents, approval of outside activity records, and other documents used solely by personnel employed at a field station. In addition, duplication of any personnel records contained in system 09-37-0007, "PHS Commissioned Corps General Personnel Records," HHS/OASH/OM, such as long-term training records, billet descriptions, specialty board examination requests, medical intern and residency evaluations, leave records, identification and privilege card records, and correspondence relating to the individuals covered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 202 et seq., and 10 U.S.C. 1071 et seq.

PURPOSE(S):

Used by the Department's operating offices for the purposes of making determinations about an individual's training, pay, leave, job assignments, and related employment matters.

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

These records and information from these records may be used:

1. To disclose information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. In the event of litigation where the defendant is:
 - (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity;
 - (b) The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or
 - (c) Any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Nonautomated (hard-copy) files.

RETRIEVABILITY:

Alphabetically by name of officer.

SAFEGUARDS:

Records are stored in locked files in secured areas. Access to and use of records is limited to supervisory officials and other officials assigned to PHS component personnel offices whose official duties require such access, such as the Officer-in-Charge of the facility, the Regional Health Administrator, or by those assisting these officials.

Individuals are permitted access to files only after they have satisfactorily identified themselves as having an official need to review information. These safeguards are provided in

accordance with chapters 45-13 and PHS.hf:45-13 of the Department's General Administration Manual.

RETENTION AND DISPOSAL:

Station personnel files are destroyed after two years if not used. Leave records are destroyed five years after the officer's separation. Other records are retained until there is no further administrative need to retain them, or until the individual leaves the Department, and are then either destroyed, or, if appropriate, are combined with the records described in system 09-37-0002, "PHS Commissioned Officer Personnel Data System," HHS/OASH/OM, which is then forwarded to a Federal Records Center. Identification and privilege cards and records are disposed of when the officer is no longer entitled to use them.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative officers where individual is employed.

NOTIFICATION PROCEDURE:

An individual who is the subject of a record, who appears in person seeking access shall provide his/her name and at least one piece of tangible identification (e.g., PHS Commissioned Corps Identification Card, driver's license, passport, or voter registration card). Identification cards with current photographs are preferred but not required. Written requests must be addressed to the appropriate System Manager and signed. A comparison will be made of that signature and the signature maintained on file prior to release of the material requested.

RECORD ACCESS PROCEDURE:

Same as Notification Procedures. Requestors should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the appropriate official indicated under System Manager above; reasonably identify the record; specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Information furnished by: the subject individual, persons who provide references, reports of supervisors and other officials, by personnel action of CPOD, and from the records contained in the following systems: 09-37-0004, "PHS Commissioned Corps Training Files," HHS/OASH/OM; 09-37-0005, "PHS Commissioned Corps Board Proceedings," HHS/OASH/OM; 09-37-0006, "PHS Commissioned Corps Grievance, Non-Board and Pre-Board

Involuntary Retirement/Separation, and Disciplinary Files," HHS/OASH/OM; and 09-37-0007, "PHS Commissioned Corps General Personnel Records," HHS/OASH/OM.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-37-0009

SYSTEM NAME:

Applied Statistics Training Institute Applicants and Students. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2-19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and students of concentrated, intensive short-term courses related to health statistics. They are employees of Federal, State, and local governments and other persons in health-related fields engaged in collecting and analyzing vital and health statistics.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applied Statistics Training Institute applicant form which contains brief education information, current employment, and courses in which applicant is interested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 304(b)(1) (42 U.S.C. 242b).

PURPOSE(S):

To set up courses, notify applicants of acceptance or non-acceptance, acceptance for a future course if necessary, and to plan for future courses not currently given in order to meet statistical needs of the health and health-related fields. Used exclusively within the National Center for Health Statistics (NCHS).

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Alphabetically filed in file cabinet.

RETRIEVABILITY:

Retrievable by name

SAFEGUARDS:

Routine building security. Records are used only by staff administering the Applied Statistics Training Institute. These safeguards are established in accordance with guidelines in DHHS Chapter 45-13 in the General Administration Manual, in supplementary Chapter PHS. hf: 45-13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

File destroyed six months after each course is completed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics, and Technology, Center Building, Room 2-19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Positive identification is required from anyone seeking access. Requestors should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Voluntary submission of Application Form by person wishing to take the ASTI courses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-37-0010

SYSTEM NAME:

Health and Demographic Surveys Conducted in Probability Samples of the U.S. Population. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2-19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782;

Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409; and at selected contractor locations. A current list of contractor sites is available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and members of households selected by probability sampling techniques to be representative of the civilian population of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing information on: (1) the incidence of illness and accidental injuries, prevalence of diseases and impairments, the extent of disability, the utilization and cost of health care services, and other health characteristics of individuals obtained in household interviews and from their named health care providers and insurers; or (2) the nutritional status, prevalence levels of specially defined chronic diseases, growth and development patterns and distributions of various health related measurements and related data obtained in a survey involving health examinations, tests, and other measurement procedures; or (3) marital and child bearing history and intended future births, the use of prenatal care, and the family planning practices of individual women obtained by interview. Demographic and socioeconomic characteristics such as age, marital status, education, occupation, and family income are also obtained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 306(b) (42 U.S.C. 242k).

PURPOSE(S):

The data are used for statistical purposes only. Uses within the Department include the preparation of aggregated data in the form of statistical tables for publication, analysis, and interpretation, to meet the legislative mandates of 42 U.S.C. 242k, to determine levels of illness and disability and their effects on the population, the use of health care facilities, trends in family formation and dissolution, and the like.

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

The data are disseminated for purposes of statistical research and

analysis outside DHHS in forms which do not permit the identification of individuals, such as publications of statistical tables, specially requested tabulations, and public use computer tapes. These are communicated to interested persons outside DHHS, such as members of Congress and their staffs, other executive branch agencies, universities, States, cities, private foundations, etc. The findings are used by demographers, sociologists, health statisticians, epidemiologists, other scholars and concerned citizens, to evaluate health matters, make determinations on needs for legislation, appropriations, new service programs, and the like.

The Department occasionally contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records are disclosed to such a contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

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

Paper files and magnetic tapes.

RETRIEVABILITY:

A serial number tied to the selection process of successively smaller geographic areas is assigned to each record on magnetic tape. This serial number is cross-indexed to the original, individually identifiable record.

SAFEGUARDS:

All employees of the National Center for Health Statistics (NCHS), as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individuals' information. Since the magnetic tapes have no name and address information, users of the tape could only identify specific individuals by relating the serial number on the tape to the original record. Only persons needing to use individually identifiable data to perform their assigned tasks, such as analysts, statisticians, statistical clerks, and key punch operators, are allowed access to the original records. These safeguards are established in accordance with guidelines in DHHS Chapter 45-13 in the General Administration Manual, in supplementary Chapter PHS.hf:45-13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

Original survey records are reviewed for accuracy, edited, and data (without

personal identifiers such as name or Social Security Number) are transferred to magnetic tape. The original records are retained in office files of NCHS until the process of conversion to magnetic tape and verification of information is completed. This process is completed within approximately nine months. The original records are then sent to the Federal Records Center where they are stored for 5 years for interview survey records and 10 years for examination records. Microfilm copies of examination records are retained at the Federal Records Center for 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics, and Technology, Center Building, Room 2-19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager.

RECORD ACCESS PROCEDURES:

Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Positive identification is required from anyone seeking access. Appeal of access refusal may be made to the Director, Office of Management, Public Health Service.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Respondents included in the survey samples.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to this system of records, exemption has been granted from the requirements contained in subsections 552a(c)(3), (d) (1) through (4), and (e)(4) (G) and (H) in accordance with the provisions of subsection 552a(k)(4) of the Privacy Act of 1974. The reason this system has been exempted is that this system contains only records required by statute to be maintained and used solely as statistical records. The exemption was published in the Federal Register, October 8, 1975, page 47413.

09-37-0011

SYSTEM NAME:

Health Manpower Inventories and Surveys. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2-19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782; and at selected contractor locations. A current list of contractor sites is available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals trained in specific health occupations, such as dentists, nurses, pharmacists, optometrists, dental hygienists, and other providers of health care services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing information on educational attainment, place of education, activity status, place and setting of employment or practice, place of residence, date of birth, sex, and marital status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 306(b) (42 U.S.C. 242k).

PURPOSE(S):

The data are used for statistical purposes only. Uses within the Department include the preparation of aggregated data in the form of statistical tables for publication, analysis, and interpretation to meet legislative mandates of the Public Health Service Act, Section 306 (42 U.S.C. 242k), such as an annual report on health resources, including a description and analysis of the statistics included under Section 306(b)(1)(G). In addition, probability samples of individuals are selected by NCHS for statistical research purposes. Tables, magnetic tapes, and statistical samples of individuals are provided for statistical purposes only to the Bureau of Health Professions, Health Resources Administration, for its use in determining health manpower scarcity areas, for loan forgiveness, and developing and evaluating educational and training programs for health manpower.

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

The data are made available to Health Systems Agencies and the State Agency designated under the Public Health Service Act (42 U.S.C. 300 l and m) for

statistical purposes only for developing and evaluating health plans.

The data are also disseminated for the purpose of statistical research and analysis outside DHHS in forms which do not permit the identification of individuals, such as publication of statistical tables, specially requested tables, and public use magnetic tapes. These are communicated to interested persons outside DHHS, such as Members of Congress, other executive branch agencies, professional associations, universities, States, cities, private foundations, etc. The statistical summaries are used by health manpower researchers, legislators, statisticians and concerned citizens to evaluate the Nation's health manpower resources, make determinations on needs for legislation, new health manpower training programs, and the like.

The Department occasionally contracts with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in the system. Relevant records are disclosed to such a contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

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

Paper files and magnetic tape.

RETRIEVABILITY:

Name and address, date of the inventory or survey, and other identifiers permit the retrieval of a computer record of the individual's information contained on magnetic tape. Original records of information are reviewed by the contractor and/or National Center for Health Statistics (NCHS) staff for accuracy, edited, and data with personal identifier (such as name and address) are transferred to magnetic tape. The records are then matched by personal identifiers to produce an unduplicated file of individuals in a health occupation.

SAFEGUARDS:

All employees of NCHS, as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individuals' information. Only persons needing to use individually identifiable data to perform their assigned tasks, such as analysts, statisticians, statistical clerks, and key punch operators, are allowed access to the records. Agreements are also obtained from the recipients of individually identifiable data described

above which bind them to nondisclosure of information identifying individuals and limit the use of the data to statistical research and analysis. Similarly, as a provision of the contract, a contractor acting as a data collection and processing agent of NCHS assures that the confidentiality of the records will be maintained. These safeguards are established in accordance with guidelines in DHHS Chapter 45-13 in the General Administration Manual, in supplementary Chapter PHS.hf:45-13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

The original records are retained in the offices of national professional associations and/or State boards of licensure, or the NCHS data processing facility until the process of conversion to magnetic tape and verification of information is completed and a subsequent inventory or survey is initiated. For these reasons the records may be retained for a period of up to five years before disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics and Technology, Center Building, Room 2-19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address.

RECORD ACCESS PROCEDURES:

Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Positive identification is required from anyone seeking access. Appeal of access refusal may be made to the Director, Office of Management, Public Health Service.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Health practitioners, state licensing agencies, or professional associations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to this system of records, exemption has been granted from the requirements contained in subsections

552a(c)(3), (d)(1) through (4), and (e)(4)(G) and (H) in accordance with the provision of subsection 552a(k)(4) of the Privacy Act of 1974. The reason that the system has been exempted is that this system contains only records required by statute to be maintained and used solely as statistical records. The exemption was published in the *Federal Register*, October 8, 1975, page 47413.

09-37-0012

SYSTEM NAME:

Vital Statistics for Births, Deaths, Fetal Deaths, Marriages and Divorces Occurring in the United States during Each Year. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Room 2-19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782;
Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are born and their parents; individuals who die; individuals who are married or divorced; and parents experiencing fetal deaths.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records include microfilm images of State records or machine-readable data prepared by the State from records collected under the laws of each State for births, deaths, fetal deaths, marriages and divorces. The records contain the demographic characteristics of individuals associated with each event. In addition, the birth records include information on the characteristics of each live birth, the health status of the infant, and socioeconomic characteristics of the parents. The death records contain medical information relating to cause of death and to socioeconomic characteristics of the deceased; the fetal death record contains medical information relating to cause of death and socioeconomic characteristics of the parents. Marriages and divorces include demographic and socioeconomic characteristics of both parties to the event and legal information regarding the event.

Periodically the National Center for Health Statistics (NCHS) conducts followback surveys, collecting information on random samples of births and deaths through mail questionnaires. The content of questionnaires for the followback surveys varies. Past surveys have collected information on such

topics as hospital utilization in the last year of life, smoking habits of the deceased, health status of infants, and pregnancy and employment histories of mothers.

Lists of names and other identifying information in the system are provided to NCHS by individuals and organizations who for health research purposes seek to have them matched against files of decedents in order to identify State death records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 306(h) (42 U.S.C. 242k).

PURPOSE(S):

The data are used for statistical purposes only. Uses within the Department include the preparation of aggregated data in the form of statistical tables for publication, analysis, and interpretation, to meet the legislative mandates of 42 U.S.C. 242k, i.e., to determine the extent and nature of illness and disability of the population of the U.S., including life expectancy and levels of infant and maternal mortality, environmental and other health hazards, trends in family formation, growth, and dissolution, and other related matters. The followback surveys are designed primarily to expand the scope of data that NCHS can collect from the national registration system, to make the registration system more responsive to changing needs for data, and to evaluate the quality of data collected on the birth and death records.

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

The processed data are disseminated for public use in forms that do not permit identification of individuals, such as published statistical tables, special unpublished tabulations, and public use computer tapes, which carry no individual identifiers. They are used by members of Congress and their staffs, other executive branch agencies, state and city governments, public and private research institutions, life insurance companies, faculty and students of universities, physicians, workers in health information, newspaper reporters and feature writers, etc. The findings are used to make determinations on needs for legislation, appropriations, and programs in the health field; to pinpoint health problems, measure progress of national health programs, and make population estimates; for epidemiological studies, marketing research, sociological studies, and studies of the family; and for other

research directed at understanding our society.

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

STORAGE:

Paper files and magnetic tapes.

RETRIEVABILITY:

Some States submit microfilm copies of certificates of birth, death, fetal death, marriage, and divorce, and statistics are extracted from them. These microfilms contain individual identifiers; they are the only individually identified records in the system. Other States submit vital statistics data on magnetic tape, showing only a State file number for each case but no personal identifiers.

SAFEGUARDS:

All employees of NCHS, as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individuals' information. Only employees of NCHS or employees of contractors who have signed similar affidavits and who need to use individually identifiable data to perform their assigned tasks—persons such as analysts, statisticians, statistical clerks, and key punch operators—are permitted access to the magnetic tapes containing the certificate numbers or to the files containing the microfilm copies of the certificates. The certificate numbers of the individual records and the geographic code identification of cities with less than 100,000 population are removed before the data tapes are released for public use. No identifying number appears on the public use tape that would link a record on that tape to any individual, to the NCHS master tape, to the microfilm file, or to the original certificate in the State vital statistics office. These safeguards are established in accordance with guidelines in DHHS Chapter 45-13 in the General Administration Manual, in supplementary Chapter PHS.hf:45-13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

The microfilm copies of the individually identifiable records are retained in office files of NCHS until the process of conversion to magnetic tape and verification of information is completed. The death records are sent to the Federal Records Center ten years after tabulation for deaths occurring during the three-year period surrounding census years and one year after tabulation for other years. They are held until disposed of, 15 years after

tabulation for deaths of the censal years, and five years after tabulation for other years. Records of births, fetal deaths, marriages, and divorces are disposed of two years after tabulation. The questionnaires for the followback surveys are destroyed after conversion to magnetic tape, tabulation, and analyses have been completed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics and Technology, Center Building, Room 2-19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address.

RECORD ACCESS PROCEDURE:

Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Positive identification is required from anyone seeking access. Appeal of access refusal may be made to the Director, Office of Management, Public Health Service.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Vital statistics records are obtained from State vital statistics offices, or, in rare instances, from other State or county repositories of marriage or divorce data. Information in followback surveys is obtained from hospitals, physicians, or relatives of the infants or the deceased.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to this system of records, exemption has been granted from the requirements contained in subsections 552a(c)(3), (d)(1) through (4), and (e)(4)(G) and (H), in accordance with the provision of subsection 552a(k)(4) of the Privacy Act of 1974. The reason that the system has been exempted is that this system contains only records required by statute to be maintained and used solely as statistical records. The exemption was published in the *Federal Register*, October 8, 1975, page 47413.

09-37-0013

SYSTEM NAME:

Health Resources Utilization Statistics. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2-19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782;

and

Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of medical care included in statistical surveys and reports of the National Center for Health Statistics (NCHS), including but not limited to: (1) staff and residents of nursing homes selected by random sampling techniques to be representative of nursing homes in the U.S.; (2) physicians providing medical care and patients visiting such physicians; (3) patient medical records from selected short-stay hospitals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing information on: (1) the utilization of long-term care and nursing home care through data on clients and residents (demographic and social characteristics, health status, and charges paid for care) and the facility (general characteristics, certification, services offered, and expense); (2) the demographic characteristics, medical and other problems of persons visiting physicians, and the physicians' diagnoses, treatment, and disposition decisions made during such visits as obtained from physicians during randomly assigned one-week survey periods; (3) the demographic characteristics, administrative information (admission and discharge dates, discharge status, and medical record number), and medical information (diagnoses and surgical procedures) abstracted from the face sheet of short-stay hospital medical records; (4) records of family planning medical services provided by the clinics participating in a nationwide sample survey reporting system, the demographic and socioeconomic characteristics, including education and welfare status, of the recipients of these services, and the extent to which these services (excluding physicians' offices) are funded by Federal grants.

In many cases, these records do not contain individual identifiers when they come under control of the National Center for Health Statistics; they carry only sequence numbers, which only the

originating agency would be able to translate into a personal identifier—and even then, not in all cases. Names of residents and staff of nursing homes and patients of physicians are listed on separated forms for sampling purposes only and are not included in the final statistical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 306(b) (42 U.S.C. 242k).

PURPOSE(S)

The data are used for statistical purposes only, as specified by statute, Section 308(d) of 42 U.S.C. 242m. Uses within the Department include the preparation of aggregated data in the form of statistical tables for publication, analysis and interpretation to meet the legislative mandates of 42 U.S.C. 242k, i.e., collection of statistics on the utilization of health services, including the utilization of: (1) long-term care services and nursing home facilities to determine levels of illness and disability, effects on the serviced population, and the costs of care; (2) ambulatory health services by specialties and types of practice of the health professionals providing such services; (3) short-stay hospitals to determine characteristics of patients, length of stay, diagnosis and surgical operations, and utilization patterns of care in hospitals of different size and ownership; (4) family planning facilities to provide statistics on the size of and services dispensed by these facilities, the numbers and characteristics of family planning patients, the overall proportion of the "target population" which is being reached by family planning programs on a national scale, and the like. The family planning data are distributed to the Deputy Assistant Secretary for Population Affairs, DHHS, and the Bureau of Community Health Services in the Health Services Administration for the purpose of executing national family planning programs.

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

The data are disseminated in forms which do not permit the identification of individuals, such as publications of statistical tables, specially requested tabulations, and public use computer tapes. These are communicated to interested persons outside DHHS, such as members of Congress and their staffs, other executive branch agencies, universities and medical schools, state and local health planning agencies,

private foundations, etc. The findings are used by demographers, sociologists, health statisticians, epidemiologists, medical educators, health planners, other scholars, and concerned citizens, to evaluate health matters, make determinations on needs for legislation, appropriations, new service programs, and the like.

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

STORAGE:

Paper files and magnetic tapes.

RETRIEVABILITY:

Data are retrieved by individual identifier only in the editing stage of data processing and only for the purpose of correcting errors in the recording of information. Original survey records are reviewed for accuracy and edited, then data (without personal identifiers such as name or Social Security Number) are transferred to magnetic tape.

SAFEGUARDS:

All employees of the National Center for Health Statistics (NCHS), as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individuals, information. Since the magnetic data tapes have no name and address information, users of the tape could only identify specific individuals by relating the identification number on the tape to the original record. Only employees of NCHS, NCHS contractors, the agency supplying the information in the first instance, and third parties with the written permission of the agency supplying the information are permitted access to the magnetic tapes with the identifying numbers described above or to the files containing the original reporting instruments. Access to the records is further limited to persons such as analysts, statisticians, statistical clerks, and key punch operators who need to use the individual data to perform their assigned tasks. These safeguards are established in accordance with guidelines in DHHS Chapter 45-13 in the General Administration Manual, in supplementary Chapter PHS. hf:45-13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

The original records are retained in office files of NCHS or NCHS contractors for two years. The procedure for family planning records differs in that the original documents are retained in office files for only two months. In all instances, the original records are then sent to the Federal

Records Center where they are stored for five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics and Technology, Center Building, Room 2-19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address.

RECORD ACCESS PROCEDURE:

Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Positive identification is required from anyone seeking access. Appeal of access refusal may be made to the Director, Office of Management, Public Health Service.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Hospitals, physicians, clinics, nursing homes, and other providers of health care.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to this system of records, exemption has been granted from the requirements contained in Subsections 552(a)(3), (d)(1) through (4), and (e)(4)(G) and (H), in accordance with provisions of Subsections 552a (k)(4) of the Privacy Act of 1974. The reason for this exemption is that this system contains only records required by statute to be maintained and used solely as statistical records. The exemption was published in the Federal Register, September 11, 1978, page 40229.

09-37-0014

SYSTEM NAME:

Curricula Vitae of Consultants to the National Center for Health Statistics. HHS/OASH/OHRST.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2-19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782; and offices of contractors employed to develop and maintain curricula vitae on consultants to the

National Center for Health Statistics (NCHS). Contractor locations are available upon request directed to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are current or potential consultants to NCHS. These are persons with special expertise who may be able to assist NCHS on a consultant basis in the planning and conducting of surveys, studies, statistical reporting programs, or statistical analyses of data, or in providing training and technical assistance, or assisting in conducting conferences.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to the professional training and experience of the consultant. This includes address; current position; employer; duties; place, time, and length of education; degrees received; honors received; former positions and work experiences; memberships in professional organizations; special committee and task force assignments; offices held; publications; references; health condition; availability for and interest in travel and accepting certain assignments; compensation required, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 304(b) (42 U.S.C. 242b).

PURPOSE(S):

The data are used by staff of NCHS or its contractors for selecting consultants to assist in projects conducted or sponsored by NCHS.

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

Where Federal agencies having the power to subpoena other Federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

The Department occasionally contracts with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are disclosed to such a contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry

from the congressional office made at the request of that individual.

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

STORAGE:

The information is contained on paper records and computer-readable tape.

RETRIEVABILITY:

Information is retrieved by name, address, specialty, and by other characteristics.

SAFEGUARDS:

Records are kept in locked metal cabinets or in a locked room when not in use. Records are used only by staff whose official duties require them to use records on consultants. These safeguards are established in accordance with guidelines in DHHS Chapter 45-13 in the General Administration Manual, in supplementary Chapter PHS/hf:45-13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

Records are maintained permanently until the consultant's death, disability for consultant work, or request that his/her records be removed from the file.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics and Technology, Center Building, Room 2-19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager. Information needed consists of name of individual.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought. Positive identification is required from anyone seeking access.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under System Manager above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Records are obtained from the consultants themselves, except that references may be obtained from present and former employers or supervisors of the consultants, or from individuals given as references by the consultants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-37-0015

SYSTEM NAME:

National Center for Health Services Research Grants Records System. HHS/OASH/OHRST

SECURITY CLASSIFICATION

None.

SYSTEM LOCATION:

National Center for Health Services Research, Center Building, Room 7-41, 3700 East-West Highway, Hyattsville, Maryland 20782.

Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Principal Investigators and associated research and administrative personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant files, including summary reports, grant applications, grant award notices, annual financial expenditure reports, summary comments of peer reviewers, salary information, staffing lists, general project correspondence, and Social Security Numbers (optional).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Title II, Administration, Section 304, (General Authority Respecting Health Statistics and Health Services Research Evaluations, and Demonstrations (42 U.S.C. 242b)), Section 305, (National Center for Health Services Research (42 U.S.C. 242c)), Section 308, (General Provisions Respecting Sections 304, 305, 306, and 307 (42 U.S.C. 242m)), Title XII, Emergency Medical Services Systems, Section 1205, (Grants and Contracts for Research (42 U.S.C. 300d-4)).

PURPOSE(S):

The information in this system is used to facilitate day-to-day grants management operations and for purposes of review, analysis, planning and policy formulation by NCHSR staff members and by other components of DHHS.

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

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information regulation, determines that it is in the public interest to disclose a record which is otherwise exempt from

mandatory disclosure, disclosure may be made from this system of records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Manual files (file folders).

RETRIEVABILITY:

Retrievable by name and grant number.

SAFEGUARDS:

Locked file cabinets, general building security. Only staff members of the Grants Operations and Administration Branch (GOAB) have regular access to system records. Other NCHSR staff may inspect and review records on a need-to-know basis only, with the approval—and in the presence—of GOAB staff. These safeguards are in compliance with DHHS Chapter 45-13 and Chapter PHS, hf: 45-13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Approved grant applications and their respective files are retained at NCHSR for two years beyond the termination date of the project. Rejected grant applications are held for one year. The grant files are then retired to a Federal Records Center and subsequently disposed of in accordance with the PHS/OASH records control schedule. The records control schedule may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Grants Operations and Administration Branch; National Center

for Health Services Research; Office of Health Research, Statistics and Technology; Center Building, Room 7-41; 3700 East-West Highway; Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably

specify the record contents being sought. Positive identification is required, except that no verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, and reasonably identify the record, specify the information being contested,

and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Applications, reports and correspondence from the research community, and statements from grant review committees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-25346 Filed 10-12-82; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Privacy Act of 1974; Systems of Records: Annual Publication

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Annual Republication of Notices of Systems of Records.

SUMMARY: In accordance with 5 U.S.C. 552(e)(4), we are publishing notices of systems of records which HCFA maintains. The notices are complete as of August 10, 1982 and do not contain any new routine uses or new material which would require a report to Congress and the Office of Management and Budget as described in OMB Circular A-106. The notices do, however, contain editorial and general clarifying changes which make them accurate and complete. If any errors appear in this publication, we will publish corrections in a later issue of the Federal Register.

SUPPLEMENTARY INFORMATION: To assist the reader of our annual publication, we list a summary of major modifications to the HCFA notices of systems of records. This summary includes deletions and other changes which we have not yet published in the Federal Register. It does not include changes which have already been described in notices previously published in the Federal Register. HCFA additions and changes are as follows:

1. Notices of three systems of records have been added that were issued after the 1981 republication of the Federal Register, October 27, 1981 (46 FR 52674-52721). They are:

a. System 09-70-0026, Study of the Comparative Effectiveness of State Approaches to Regulation of Medicare Supplemental Policies: Medigap, published in the Federal Register on September 2, 1981 (46 FR 44060-44061).

b. System 09-70-0027, Evaluation of Health Maintenance Organization Capitation Demonstration, published in the Federal Register on February 16, 1982 (47 FR 6718-6719).

c. System 09-70-0028, Study of the Social, Ethical and Economic Consequences of Medicare Coverage for Heart Transplants, published in the Federal Register on April 26, 1982 (47 FR 17862-17863).

2. Notice of an alteration to system 09-70-0502, Health Insurance Master Record, was published in the Federal Register on December 24, 1981 (46 FR 62543-62545).

3. We have revised the notices of systems of records below to include new

statements of routine use which were published and adopted earlier this year.

a. System 09-70-0501, Carrier Medicare Claims Records, Federal Register, August 4, 1982 (47 FR 33788-33789).

b. System 09-70-0502, Health Insurance Master Record, Federal Register, August 4, 1982 (47 FR 33788-33792).

c. System 09-70-0503, Intermediary Medicare Claims Records, Federal Register, August 4, 1982 (47 FR 33792-33796).

Dated: September 13, 1982.

Carolyne K. Davis,
Administrator.

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System Number and System Name

- 09-70-0001 Medicare Second Surgical Opinion Experiments, HHS/HCFA/ORD
- 09-70-0004 Durable Medical Equipment Experiment, HHS/HCFA/ORD
- 09-70-0005 Medicare Bill File (Statistics), HHS/HCFA/BDMS
- 09-70-0006 Medicare Enrollment Records (Statistics), HHS/HCFA/BDMS
- 09-70-0007 Health Insurance Enrollment Statistics—General Enrollment Period, HHS/HCFA/BDMS
- 09-70-0008 Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), HHS/HCFA/BDMS
- 09-70-0010 Current Medicare Survey (Statistics), HHS/HCFA/ORD
- 09-70-0011 Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant Benefit (Statistics), HHS/HCFA/ORD
- 09-70-0013 Annual 5 Percent Summary File of Services Reimbursed Under the Medicare Program (Statistics), HHS/HCFA/BDMS
- 09-70-0014 Survey of Physicians' Administrative and Practice Costs and Medicaid Participation, HHS/HCFA/ORD
- 09-70-0015 Ambulatory Surgery Research Project, HHS/HCFA/ORD
- 09-70-0017 Health Insurance Benefit and Actuarial Sample Control Systems, HHS/HCFA/BDMS
- 09-70-0018 Actuarial Health Insurance and Supplementary Insurance (Medicare), HHS/HCFA/BDMS
- 09-70-0019 Actuarial Sample Hospital Stay Record Study, HHS/HCFA/BDMS
- 09-70-0020 Actuarial Sample of Supplementary Medical Insurance Payments, HHS/HCFA/BDMS
- 09-70-0021 Health Maintenance Organization Prospective Reimbursement Demonstrations, HHS/HCFA/ORD
- 09-70-0022 Municipal Health Service Program, HHS/HCFA/ORD
- 09-70-0023 Evaluation of the Home Dialysis Aide Demonstration, HHS/HCFA/ORD
- 09-70-0024 Medicare/Medicaid Hospice Demonstration, HHS/HCFA/ORD

- 09-70-0025 Evaluation of the Long-Term Home Health Care Program, HHS/HCFA/ORD
- 09-70-0026 Study of the Comparative Effectiveness of State Approaches to Regulation of Medicare Supplemental Policies: Medigap, HHS/HCFA/ORD
- 09-70-0027 Evaluation of Health Maintenance Organization Capitation Demonstration, HHS/HCFA/ORD
- 09-70-0028 Study of the Social, Ethical and Economic Consequences of Medicare Coverage for Heart Transplants, HHS/HCFA/ORD
- 09-70-0501 Carrier Medicare Claims Records, HHS/HCFA/BPO
- 09-70-0502 Health Insurance Master Record, HHS/HCFA/BPO
- 09-70-0503 Intermediary Medicare Claims Records, HHS/HCFA/BPO
- 09-70-0504 Beneficiary Parts A and B Uncollectible Overpayment File, HHS/HCFA/BPO
- 09-70-0505 Supplemental Medical Insurance Accounting Collection and Enrollment System, HHS/HCFA/BPO
- 09-70-0506 Group Health Plan System, HHS/HCFA/BPO
- 09-70-0507 Health Insurance Utilization Microfilm, HHS/HCFA/BPO
- 09-70-0508 Reconsideration and Hearing Case Files (Part A) Hospital Insurance Program, HHS/HCFA/BPO
- 09-70-0509 Medicare Beneficiary Correspondence Files, HHS/HCFA/BPO
- 09-70-0510 Alphabetical Name File (Folder) of Health Insurance Program Consultants, HHS/HCFA/BPO
- 09-70-0512 Review and Fair Hearing Case Files—Supplementary Medical Insurance Program, HHS/HCFA/BPO
- 09-70-0513 Explanation of Medicare Benefit Records, HHS/HCFA/BPO
- 09-70-0516 Medicare Physician/Supplier Master File, HHS/HCFA/BPO
- 09-70-0517 Physician/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payments), HHS/HCFA/BPO
- 09-70-0518 Medicare Clinic Physician/Supplier Master File, HHS/HCFA/BPO
- 09-70-0520 End Stage Renal Disease, (ESRD) Program Management and Medical Information System (Registry), HHS/HCFA/BSS
- 09-70-0521 Medicare Beneficiary Claims for Emergency Services, HHS/HCFA/BPO
- 09-70-0522 Billing and Collection Master Record System, HHS/HCFA/BPO
- 09-70-1504 Physical Therapists Proficiency Answer Sheets and Test Results (Medicare), HHS/HCFA/HSQB
- 09-70-1505 Psychiatric Technician Proficiency Answer Sheets and Test Results (Medicare), HHS/HCFA/HSQB
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- 09-70-1509 Complaint Files on Nursing Homes, HHS/HCFA/HSQB
- 09-70-1510 Professional Qualification Files, HHS/HCFA/HSQB

09-70-2002 HCFA Program Integrity/
Program Validation Case Files, HHS/
HCFA/BQC

09-70-0001

SYSTEM NAME:

Medicare Second Surgical Opinion
Experiments, HHS/HCFA/ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Blue Cross and Blue Shield of Greater
New York, 622 Third Avenue, New York,
N.Y. 10017, and 3 Park Avenue, New
York, N.Y. 10016, and Blue Cross and
Blue Shield of Michigan, 600 Lafayette
East, Detroit, Mich. 48226; and Abt
Associates, Inc., 55 Wheeler Street,
Cambridge, Mass. 02138.

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

Physicians who practice, and
Medicare beneficiaries who reside in the
carrier area of Blue Cross and Blue
Shield of Greater New York (plus
Queens) or in Macomb, Oakland, or
Wayne Counties for which the Medicare
carrier is Blue Cross and Blue Shield of
Michigan.

Physicians who practice, and
Medicaid recipients who reside in the
States of Massachusetts and
Connecticut or Vermont. Persons
contacting National Second Surgical
Opinion Program (NSSOP) listholders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physicians: personal identification
and demographic data, attitudes toward
second opinion programs, clinical
details and prognosis of patients who
have sought second opinions, estimates
of the use of second opinions by their
patients.

Beneficiaries: personal identification
demographic data, and health status
information pertinent to advisability of
patient undergoing elective surgery,
surgical recommendations/discussions,
treatment received, patient health
attitudes, awareness of second opinion
programs, satisfaction with second
opinion programs.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

Section 402 of the Social Security
Amendments of 1967, Pub. L. 90-248, as
amended by Section 222(b) of the Social
Security Amendments of 1972, Pub. L.
92-603, 42 U.S.C. 1395b-1.

PURPOSE(S):

To provide data necessary to operate
second opinion referral centers and to
determine the impact of second opinion
programs on Medicare costs, surgery

rates, consumer and provider decision-
making regarding surgery, and quality of
care.

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

(1) Blue Cross and Blue Shield of
Greater New York and Blue Cross and
Blue Shield of Michigan used the data
to: (a) operate referral centers to help
eligible Medicare beneficiaries locate
consultants and obtain second/third
opinions, (b) collect information
necessary to conduct referral operations
and evaluate the impact of the program,
and (c) modify claims processing
systems to permit waiver of co-payment
and deductible requirements under Part
B of Medicare on all second/third
surgical opinion claims (i.e., physician
and ancillary service costs). The Office
of Research and Demonstrations (ORD),
HCFA, will use the information to
coordinate all data collection,
reimbursement, and evaluation
activities. HCFA has contracted with an
independent third party (Abt
Associates) which will use data in the
system to evaluate the impact of the
second surgical opinion programs.

(2) Disclosure may be made to a
congressional office from the record of
an individual in response to an inquiry
from the congressional office made at
the request of that individual.

(3) In event of litigation where the
defendant is: (a) the Department, any
component of the Department, or any
employee of the Department in his or
her official capacity; (b) the United
States where the Department determines
that the claim, if successful, is likely to
directly affect the operations of the
Department or any of its components; or
(c) any Department employee in his or
her individual capacity where the
Justice Department has agreed to
represent such employee, the
Department may disclose such records
as it deems desirable or necessary to the
Department of Justice to enable that
Department to present an effective
defense provided such disclosure is
compatible with the purpose for which
the records were collected.

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

STORAGE:

Hardcopy intake forms, first opinion
physician/surgeon reports and
consultants' reports will be stored in
locked metal file cabinets in the referral
centers established within the
contractors' carrier offices. Completed
data tapes created from hardcopy forms
will be stored in the tape libraries

maintained by the contractors for
storage of routine Medicare claims tapes
and subject to the same security
precautions.

RETRIEVABILITY:

Hardcopy stored in referral centers
will be retrievable by beneficiary name.
Beneficiary information stored on tape
will be retrievable by beneficiary name
and health insurance claim number;
provider information stored on tape will
be retrievable by physician name and
provider number.

Where applicable, the evaluation
contractor will merge the systems
records created by survey sampling
activities with systems records already
covered by this systems notice. The
systems records created by survey
activity are temporary in nature, and
patient and physician identifiers will not
be retained.

SAFEGUARDS:

All records will be retained in secure
storage areas accessible only to
authorized employees of Blue Cross and
Blue Shield of Greater New York, Blue
Cross and Blue Shield of Michigan, and
the evaluation contractor staff. All
employees having access to records
have been notified of criminal sanctions
for unauthorized disclosure of
information on individuals. After the
hardcopy and tapes are validated and
analyzed by the evaluation contractor,
they will be returned to HCFA.

For computerized records, where
appropriate, ADP systems security
procedures will be instituted with
reference to guidelines contained in the
DHHS ADP Systems Manual, Part 6,
"ADP Systems Security," (e.g., use of
password access). By taking all the
aforementioned precautions, HCFA has
reduced the risk of unauthorized access
to a minimum.

RETENTION AND DISPOSAL:

Hardcopy data collection forms and
magnetic data tapes with identifiers will
be retained in secure storage areas. The
disposal technique of degaussing will be
used to strip magnetic tape of all
identifying names and numbers in
December 1987. Hardcopy will be
destroyed at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and
Demonstrations, Health Care Financing
Administration, Room 4228, HHS
Building, 330 Independence Avenue
S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any physician or Medicare
beneficiary who participates in this

demonstration as a provider or recipient of service may request his or her data record in writing. This request should be addressed to the system manager. To obtain data on physicians, the requestor should provide the name and business address of the physician; to obtain data on a Medicare beneficiary, the requestor should provide the beneficiary's name and home address.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with Department regulations (45 CFR 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with Department Regulations (45 CFR 5b.7).

RECORD SOURCE CATEGORIES:

Referral Center Intake Forms completed by a referral center analyst upon receiving a call from a Medicare beneficiary requesting a second opinion under the demonstrations. First Opinion Physician/Surgeon Report Forms completed by the first opinion physician in the Blue Cross and Blue Shield of Michigan demonstration and by the first surgeon in the Blue Cross and Blue Shield of Greater New York demonstration. The consultant's report completed by second/third opinion consultants who participated in the demonstrations.

NSSOP Patient Intake Log to be completed by NSSOP listholders. NSSOP Intake Log Patient Followup Questionnaire completed by the evaluation contractor through telephone survey. Telephone Questionnaire of Medicare recipients in Connecticut or Vermont completed by the evaluation contractor. Patient Interview of Medicare beneficiaries in New York and Medicaid recipients in Massachusetts and Connecticut or Vermont completed by the evaluation contractor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0004

SYSTEM NAME:

Durable Medical Experiment, HHS, HCFA, ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Office of Research and Demonstrations, Office of Demonstrations and Evaluation, Room 1-E-6, Oak Meadows Building, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries acquiring durable medical equipment (DME) under Title XVIII of the Social Security Act in the following States or portions thereof during the course of the experiment: California, Florida, Idaho, Minnesota, Mississippi, New Mexico, New York, Tennessee, Virginia, Washington, and Wyoming.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative, billing, and descriptive information involving the purchase and/or rental of durable medical equipment under Title XVIII (Medicare Part B).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 245 of Pub. L. 92-603 (Social Security Amendments of 1972).

PURPOSE(S):

In accordance with section 245 of Pub. L. 92-603, the Secretary of HHS was authorized to conduct experimentation involving payments for durable medical equipment. These data were collected for statistical purposes in analyzing the results of the experimental program.

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

(1) Routine disclosure of the records maintained in the system was made to an organization under contract with the Health Care Financing Administration for the performance of the research and statistical functions as prescribed by the contract. The data collected was utilized by the Contractor for statistical purposes in determining the results of the experimental program. (2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. (3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department

or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

All records are indexed by health insurance claim number and by Medicare carrier code number.

SAFEGUARDS:

Magnetic computer tapes are kept in GSA approved containers with combination locks. The containers are located in a controlled access area where all nonemployees and nonauthorized personnel must identify themselves, state the nature of their business, and be logged in before gaining entry. All personnel are subject to the penalties prescribed by the Privacy Act for unauthorized disclosure of personnel data. These safeguards are in accordance with Departmental standards limiting access to authorized personnel only.

RETENTION AND DISPOSAL:

All raw data, draft reports, correspondence, and reports generated during this experiment (including tapes, computer programs, position indices, etc.) are the property of the Government.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of notification, provide the Systems Manager with the name, address, and Health Insurance Account Number of the person requesting access.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Departmental Regulations (45 CFR 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Departmental Regulations (45 CFR 5b.7)).

RECORD SOURCE CATEGORIES:

Requests from Medicare Part B Beneficiaries for reimbursement for the rental/purchase of durable medical equipment under title XVIII of the Social Security Act, including charges and descriptive material from suppliers of durable medical equipment; administrative and billing information for the reimbursement of durable medical equipment from Part B Medicare Carriers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0005

SYSTEM NAME:

Medicare Bill File (Statistics) HHS, HCFA, BDMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons enrolled in hospital insurance or supplemental medical benefits parts of the Medicare program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bill data; demographic data on the beneficiary, diagnosis and surgery codes on a sampling of the population; provider characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 U.S.C. 1395f).

PURPOSE(S):

To study the operation and effectiveness of the Medicare program.

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

Disclosure may be made: (1) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(2) To the Bureau of Census for use in processing research and statistical data directly related to the administration of Social Security programs.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(4) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA.

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

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

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by health insurance claim number and by hospital provider number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained with identifiers as long as needed for program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Data Management and Strategy, Room 2424, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

For purpose of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (women's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, utilization and date of utilization under Part A or Part B of Medicare services, home health agency, hospital (inpatient), hospital (outpatient) or skilled nursing facility.

RECORD ACCESS PROCEDURES.

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in

accordance with the Department Regulations (45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare enrollment records; Medicare bill records; Medicare provider records for a sample of persons treated as hospital patients (inpatient and outpatient) and skilled nursing facility patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0006

SYSTEM NAME:

Medicare Enrollment Records (Statistics) HHS, HCFA, BDMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons enrolled for hospital or supplemental medical benefits under the Medicare program, including enrollees for whom the State has paid the premiums and enrollees who are members of direct dealing group practice prepayment plans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment characteristics of the beneficiaries; demographic characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 U.S.C. 1395f).

PURPOSE(S):

To study the characteristics of persons enrolled in the Medicare program and establish the basis for Medicare services utilization rates.

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

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry

from the congressional office made at the request of that individual.

(2) To the Bureau of Census for use in processing research and statistical data directly related to the administration of Social Security programs.

(3) To an individual or organization for a research, evaluation or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(4) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any

employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are accessible by claim number. Subfiles are indexed also by group practice pre-payment plan number or by State buy-in number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with guidelines in the DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for program research analysis.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Data Management and Strategy, Health Care Financing Administration, Room 2424, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

For purposes of access, write to the systems manager, who will require name of system, health insurance claim number, social security number, and for verification purposes, name (woman's maiden name, if applicable); address, date of birth and sex, and to ascertain whether the individual's record is in the system, enrollment in Medicare health or supplemental medical participation in a direct dealing group practice prepayment plan, or payment of premium by State.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Master beneficiary record: Medicare enrollment records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.
09-70-0007

SYSTEM NAME:

Health Insurance Enrollment Statistics, General Enrollment Period. HHS, HCFA, BDMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who are eligible for Supplementary Medical Insurance coverage but have declined such coverage.

CATEGORIES OF RECORDS IN THE SYSTEM:

Limited demographic data (sex, date of birth, State and county of residence).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of Title XVIII of the Social Security Act (42 U.S.C. 1395f).

PURPOSE(S):

To contact persons eligible for Part B benefits who have refused or withdrawn coverage of these benefits, for purposes of reenrollment for Part B coverage and to evaluate results of such contacts.

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

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at

the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by health insurance claim number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with guidelines in DHHS ADP Systems Manual, Part 6, "ADP Systems Security." (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Tapes are retained with identifiers as long as needed for program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Data Management and Strategy, Health Care Financing Administration, Room 2424, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

For purposes of access, write to the Systems Manager who will require system name and social security number and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR, 5b.7).)

RECORD SOURCE CATEGORIES:

Health Insurance Master Beneficiary File.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0008

SYSTEM NAME:

Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics) HHS, HCFA, BDMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A 5 percent sample of Medicare beneficiaries who have received any supplementary medical (Medicare) services January 1, 1975, or later.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physician and supplier billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 U.S.C. 1395f).

PURPOSE(S):

To study the effectiveness of the Supplementary Medical Insurance Medicare benefit.

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

Disclosure may be made: (1) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department

or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(3) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

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

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by claim number.

SAFEGUARDS:

For computerized records, safeguards are established in accordance with guidelines in DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for purposes of program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Data Management and Strategy, Health Care Financing Administration, Room 2424, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, date (month and year) on which supplementary medical services were received.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR, 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare claims submitted to carriers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT.

None.

09-70-0010

SYSTEM NAME:

Current Medicare Survey (Statistics) HHS, HCFA, ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

Office of Research, ORD, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207.

Wilkes Barre Punching Branch, Social Security Administration, VA Building, 19 N. Main Street, Wilkes Barre, Pennsylvania 18701.

and

Bureau of Census, Washington, D.C., Federal Records Centers

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Sample of aged (since 1966) and disability (since 1971) beneficiaries entitled to Medicare, and interview status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic characteristics; health services (types and costs) used by Medicare beneficiaries, and interview status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 U.S.C. 1395l/).

PURPOSE(S):

To determine the use of health care services by Medicare beneficiaries, for program planning, and publication of nationally distributed reports.

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

Disclosures from this system are made: (1) To the Bureau of the Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department

or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

All records are stored on magnetic tape and disk files. Hard copies of the interview forms through 1973 are on microfilm. For subsequent years, hard copies of the interview forms are stored at Federal Records Centers. Interview status check-in cards for 1975-77 and tape disk files are also stored there. Magnetic tapes are in secured storage at SSA. Check-in cards and microfilms are in secured file cabinets at HCFA.

RETRIEVABILITY

All interview records are identified by health insurance claim number.

SAFEGUARDS:

Initial collection and processing performed by the Census Bureau. For computerized records safeguards are established in accordance with guidelines in DHHS ADP Systems Manual, Part 6, "ADP Systems Security." (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Through 1974, hard copy was routinely destroyed six months after the record was placed on microfilm. Starting with 1975, hard copy will be retained for 3 years, and upon receipt of the fourth year data, the earliest year will be destroyed. Computer and card records and interview status check-in cards and tapes are maintained with identifiers as long as needed for purposes of program research. All records are reviewed annually for continued program need.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager who will require name of system, health insurance claim number and for verification purposes name (woman's maiden name, if

applicable), social security number, address, date of birth and sex, and to ascertain whether the individual's record is in the system, type of social security benefit (old age or disability) received.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare beneficiary records; survey type data collected by Census Bureau for the Social Security Administration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0011

SYSTEM NAME:

Evaluation of the Impact of Surgical Screening Based Upon Union Member Utilization of the Pre-Surgical Consultant Benefit (Statistics) HHS. HCFA, ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Cornell University Medical College, 1300 York Avenue, New York, New York 10021.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Sample of those members of five unions in the Greater New York and Northern New Jersey who have used the pre-surgical consultation benefit in their union health contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic characteristics, medical diagnosis and surgical procedures, physician sociological characteristics, health insurance coverage, health status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 U.S.C. 1395f).

PURPOSE(S):

To determine the effect of providing for pre-surgical consultations and the effect of those consultations on decisions to undergo surgery.

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

(1) Disclosures from this system are made to contractors for research and statistical activities directed by the Health Care Financing Administration. (2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper files.

RETRIEVABILITY:

Records filed in alphabetical order.

SAFEGUARDS:

Safeguards are provided by contract, identifiable data are accessible only to the contractor and members of his or her staff.

RETENTION AND DISPOSAL:

Records will be retained with identifiers by the contractors only as long as is needed for purposes of program research and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, DC 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write the Systems Manager who will require name of system, health insurance claim number, and, for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, the name of the union of which he or she is a member.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR, 5b.7).)

RECORD SOURCE CATEGORIES:

Union records retained by each union in the survey area.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0013

SYSTEM NAME:

Annual 5 percent Summary File of Services Reimbursed Under the Medicare Program (Statistics) HHS, HCFA, BDMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Sample of Medicare enrollees with reimbursed services prior to January 1, 1975.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic characteristics; amount of reimbursement by type of service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 U.S.C. 1395f).

PURPOSE(S):

To study the characteristics of persons receiving Medicare reimbursed services and the types of services they received.

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

(1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by claim number.

SAFEGUARD:

For computerized records, safeguards are established in accordance with guidelines in DHHS ADP Systems Manual Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for purposes of program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Data Management and Strategy, Health Care Financing Administration, Room 2424, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager who will require name of system, health insurance claim

number, and for verification purposes, name (woman's maiden name if applicable), address, social security number, date of birth and sex, and to ascertain whether the individual's record is in the system, whether any reimbursable services prior to 1974 or 1975 and the date (month and year) of such services.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR, 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare enrollment records; Medicare bill records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0014

SYSTEM NAME:

Survey of Physicians' Administrative and Practice Costs and Medicaid Participation HHS, HCFA, ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Abt Associates, 55 Wheeler Street, Cambridge, Mass. 02138.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A national and regional sample of 2000 office-based physicians.

CATEGORIES OF RECORDS IN THE SYSTEM:

Education, professional background, age, and demographic information about physicians, to be merged with administrative and practice cost data, practice characteristics in terms of specialty, type, size, etc., and participation in Medicaid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act, and section 222(a) of the Social

Security Act Amendments of 1972, Pub. L. 92-603 (42 U.S.C. 1395f, 1395f(note)).

PURPOSE(S):

To analyze practice costs, incomes and program participation according to physician characteristics.

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

1. A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

American Medical Association background information will be maintained on a master sheet, and individually in each interview folder. Interview information was maintained on questionnaires prior to conversion to magnetic tape. Resulting tapes contain no personal identifiers.

RETRIEVABILITY:

Until each interview was completed and verified, the contractor maintained questionnaires and background information in folders labeled with the physician's name. Because the information has been removed from the folders, there can be no retrieval of individual records.

SAFEGUARDS:

All identifiers were removed from data as soon as the collection and matching was complete and verified. All persons having access to records were notified of criminal sanctions for unauthorized disclosure of information about individuals. Since the tapes will contain no personal identifiers, no special safeguards are required.

RETENTION AND DISPOSAL:

Master sheets will be retained indefinitely, folder identification links have been destroyed. Tapes without personal identifiers will be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

To access AMA background master sheets, name and address are required by the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Responses from 1000 physicians nationwide and 1000 physicians in two Census regions, both for a single time use, background information from the American Medical Association Directory of Physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0015

SYSTEM NAME:

Ambulatory Surgery Research Project HHS, HCFA, ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The Orkand Corporation, 8630 Fenton Street, Silver Spring, Md. 20910.

The Orkand Corporation, OA420, 5131 North Fortieth Street, Phoenix, Arizona 82018.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients in selected ambulatory and hospital surgical facilities, and selected physicians.

CATEGORIES OF RECORDS IN THE SYSTEM:

Patient interview questionnaires containing demographic, financial, medical, and family information physician questionnaires with demographic and financial information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Social Security Amendments of 1967, Pub. L. 90-248, as amended by Section 222(b) of the Social Security Amendments of 1972, Pub. L. 92-603, 42 U.S.C. 1395b-1.

PURPOSE(S):

To determine the effect on program costs and quality of care of ambulatory surgical services.

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

To contractor under contract with the Health Care Financing Administration to perform research and statistical activities related to this study.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department regulations (45 CFR 5b.b(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

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

STORAGE:

Hard copy questionnaires, hard copy patient identification forms, punched card decks, and magnetic tapes at contractors' locations. Magnetic tapes in non-individually identifiable form in the Social Security Administration.

RETRIEVABILITY:

By name, indexed to case number. At completion of the study, patient identification index will be destroyed and retrieval of individual information will no longer be possible.

SAFEGUARDS:

All records containing personal identifiers will be processed and handled at contractor's location. This

installation has Department of Defense approval at SECRET CLEARANCE level, and has on-site security personnel 24 hours a day at primary location. The patient identifier forms will be retained in a safe at that site until they are destroyed at completion of the study.

RETENTION AND DISPOSAL:

Records will be retained only as long as required for records management purposes. All patient identification will be destroyed at the conclusion of the study. Magnetic tapes in non-individually identifiable form will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Office of Research and Demonstrations, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of notification and access, name of system and name of individual; for purposes of verification, address, sex, and date of birth. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Patient and physician interview forms; patient medical records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0017

SYSTEM NAME:

Health Insurance Benefit and Actuarial Sample Control System, HHS, HCFA, BDMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Data Management and Strategy, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A sample of persons who have received Medicare benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains a limited number of fields from bill files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 U.S.C. 1395f).

PURPOSE(S):

To project program costs for the Federal budget exercises and the Trustees report; compute adjusted average per capita costs; estimate cost impact of proposed legislation and regulations; special analyses of specific aspects of historical or anticipated experience under the program; and to determine Medicare program financing needs.

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

(1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Data are stored on magnetic tape.

RETRIEVABILITY:

Individual records are identified by claim account number. Data are used for statistical purposes.

SAFEGUARDS:

All magnetic tapes are retained in secure areas accessible only to authorized persons within the Bureau of Data Management and Strategy. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

RETENTION AND DISPOSAL:

Data are prepared monthly and magnetic tapes are returned to blank stock.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Data Management and Strategy, Room 2424, Oak Madows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

For purposes of access the claim account number is required; write to the systems manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requests should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Health Insurance Master File.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0018

SYSTEM NAME:

Actuarial Health, Insurance and Supplementary Medical Insurance (Medicare) HHS, HCFA, BDMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Director, Office of Financial and Actuarial Analysis, BDMS, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A 0.1 sample of persons who have received Medicare benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health Insurance inpatient hospital and extended care admission and other health services; inpatient admission and billing—Christian Science Sanatorium; home health agency report and billing; and other documents used to support payments to providers of service. These forms contain the beneficiary's name, sex, health insurance claim number, date of admission and discharge, other health insurance data and a statement of services rendered. Supplemental medical insurance request for payment; provider billing for patient services by physician; prepayment plan for group Medicare practices dealing through a carrier, itemized bills and other similar documents required to support payments to physicians and other suppliers of Part B Medicare services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 U.S.C. 1395f).

PURPOSE(S):

To project program costs for the Federal budget exercises and the Trustees report; compute adjusted average per capita costs; estimate cost impact of proposed legislation and regulations; special analyses of specific aspects of historical or anticipated experience under the program; and to determine Medicare program financing needs.

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

(1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice

Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Forms are kept in manila folders in the Office of Financial and Actuarial Analysis, Bureau of Data Management and Strategy.

RETRIEVABILITY:

The manila folders containing forms are filed in claim account number sequence.

SAFEGUARDS:

The filing system is retained behind closed doors and is accessible only to authorized persons. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

RETENTION AND DISPOSAL:

The claims folder is maintained in file until the death of the individual. Once a year the file is purged and inactive folders are stored in the Federal Record Center. No provisions have been made to destroy inactive folders.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Data Management and Strategy, Room 2424, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

For purposes of access the claim account number is required; write to the systems manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (The access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance

with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0019

SYSTEM NAME:

Actuarial Sample Hospital Stay Record Study HHS, HCFA, BDMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Statistics and Data Management, BDMS, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A 0.1 sample of persons who have received hospital insurance benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is obtained from inpatient hospital and extended care admission, and inpatient admission and billing forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 U.S.C. 1395f).

PURPOSE(S):

To project program costs for the Federal budget exercises and the Trustees report; compute adjusted average per capita costs; estimate cost impact of proposed legislation and regulations; special analyses of specific aspects of historical or anticipated experience under the program; and to determine Medicare program financing needs.

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

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the

Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Data are stored on magnetic tape.

RETRIEVABILITY:

The file is indexed with claim account numbers; the data are used for statistical purposes.

SAFEGUARDS:

All mag-tape files are retained in secure storage areas—accessible only to authorized persons. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

RETENTION AND DISPOSAL:

The file is updated quarterly and the old tape goes to blank stock.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Data Management and Strategy, Room 2424, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

For purposes of access the claim account number is required; write to systems manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0020

SYSTEM NAME:

Actuarial Sample of Supplementary Medical Insurance Payments HHS, HCFA, BDMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Statistics and Data Management, BDMS, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A sample of records for persons who have received benefits under the supplemental medical insurance provisions of the Medicare program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record contains only the information included in a payment record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 U.S.C 1395l).

PURPOSE(S):

To project program costs for the Federal budget exercises and the Trustees report; compute adjusted average per capita costs; estimate cost impact of proposed legislation and regulations; special analyses of specific aspects of historical or anticipated experience under the program; and to determine Medicare program financing needs.

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

(1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems

desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Data are stored on magnetic tape.

RETRIEVABILITY:

The file is indexed with claim account number, these data are used for statistical purposes.

SAFEGUARDS:

All magnetic tapes are retained in secure storage areas accessible only to authorized persons. All employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals.

RETENTION AND DISPOSAL:

This file is updated on a quarterly basis. The tape files are returned to blank stock after three years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Data Management and Strategy, Room 2424, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

For purposes of access the claim account number is required; write to the systems manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Supplemental medical insurance payment record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0021

SYSTEM NAME:

Health Maintenance Organization
Prospective Reimbursement
Demonstrations, HHS/HCFA/ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing
Administration, Office of
Demonstrations and Evaluations, ORD,
Room 2426, Oak Meadows Building,
6325 Security Boulevard, Baltimore,
Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries
institutionalized in counties
encompassed by the demonstrations.
The locations are as follows:
Massachusetts—Worcester and Suffolk
counties; Michigan—Ingham, Easton,
and Clinton counties; Minnesota—
Anoka, Carver, Dakota, Hennepin,
St. Louis, Ramsey, Scott, and
Washington counties; Oregon—
Clackamas, Multnomah, and
Washington counties; Washington—
Clark, Jefferson, Kitsap, and Mason
counties; and Wisconsin—Clark,
Marathon, Tylor, and Wood counties;
New York—King county; and
California—Orange and Los Angeles
counties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and social security numbers of
institutionalized Medicare beneficiaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402(a) of the 1967
amendments to the Social Security Act,
as amended by section 222(b)(1) of the
1972 amendments to the Social Security
Act, Pub. L. 92-603.

PURPOSE(S):

To provide data necessary to
calculate adjusted average per capita
costs for Medicare beneficiaries
enrolled in HMOs. HCFA will use these
data along with other information to
determine if HCFA can predict accurate
rates for reimbursing HMOs in such a
way as to ensure sufficient revenues for
the HMOs.

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

(1) HCFA may make disclosures to
contractors for research and statistical
activities under HCFA's direction.

(2) HCFA may make disclosures to a
congressional office from the record of
an individual in response to an inquiry

which the congressional office makes at
the request of that individual.

(3) In event of litigation where the
defendant is (a) the Department, any
component of the Department, or any
employee of the Department in his or
her official capacity; (b) the United
States where the Department determines
that the claim, if successful, is likely to
directly affect the operations of the
Department or any of its components; or
(c) any Department employee in his or
her individual capacity where the
Justice Department has agreed to
represent such employee, the
Department may disclose such records
as it deems desirable or necessary to the
Department of Justice to enable that
Department to present an effective
defense provided such disclosure is
compatible with the purpose for which
the records were collected.

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

HCFA and the contractor will store
hard copy records in locked metal file
cabinets. HCFA will maintain data
transferred to computer tapes in secure
storage areas in the HCFA tape library.
The contractor will forward all
hardcopy data to HCFA and will not
maintain any records once data are
transferred to HCFA.

RETRIEVABILITY:

HCFA will retrieve the data by
beneficiary name and social security
number. HCFA will use the data to
calculate the adjusted average per
capita cost (AAPCC) for Health
Maintenance Organizations
participating in the demonstrations.

SAFEGUARDS:

HCFA will maintain all records in
secure storage areas accessible only to
authorized HCFA employees and will
notify all employees having access to
records of criminal sanctions for
unauthorized disclosure of information
on individuals. HCFA will store
hardcopy and tapes in secure storage
areas until December 31, 1985.

For computerized records, where
appropriate, HCFA will initiate ADP
systems security procedures with
reference to guidelines contained in
DHHS ADP Systems Manual, Part 6,
ADP Systems Security; and the National
Bureau of Standards Federal
Information Processing Standards
Publications.

RETENTION AND DISPOSAL:

HCFA will retain hardcopy data
collection forms and magnetic data

tapes with identifiers in secure storage
areas. HCFA will use the disposal
technique of degaussing to strip
magnetic tape of all identifying names
and numbers in December 1985. HCFA
will destroy hardcopy at that time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and
Demonstrations, HCFA, Room 4228,
HHS Building, 330 Independence
Avenue S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any Medicare beneficiary who
participates in this demonstration may
request his or her data record in writing.
Individuals should address inquiries and
requests concerning system records to
the system manager named above.

RECORD ACCESS PROCEDURE:

Same as notification procedure.
Requestor should specify the record
contents being sought. These access
procedures are in accordance with
Department Regulations (45 CFR
5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the system manager named
above, and reasonably identify the
record and specify the information to be
contested. State the corrective action
sought and the reasons for the
correction with supporting justification.
These procedures are in accordance
with Department Regulations (45 CFR
5b.7).

RECORD SOURCE CATEGORIES:

Institutions located in the geographic
areas encompassed by the
demonstrations, including nursing
homes, sanitariums, rest homes,
convalescent homes, and long term care
hospitals.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0022

SYSTEM NAME:

Municipal Health Services Program,
HHS/HCFA/ORD.

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATION:

Health Care Financing Administration
(primary location), Bureau of Support
Services, Office of Direct
Reimbursement, Health Services Studies
Division (DHSS), 6325 Security
Boulevard, Baltimore, Maryland 21207,
and

University of Chicago, Center for Health Administration Studies (CHAS), 5720 Woodlawn Drive, Chicago, Illinois 60637.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare and Medicaid beneficiaries who obtain health care services at any of the 20 clinics being funded by the Robert Wood Johnson Foundation under the Municipal Health Services Program (MHSP).

CATEGORIES OF RECORDS IN THE SYSTEM:

Bills submitted by MHSP clinics to claim Federal reimbursement for services provided to Medicare and Medicaid beneficiaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402(a) of the Social Security Amendments of 1967, as amended by section 222(b)(1) of Pub. L. 92-603.

PURPOSE(S):

To provide billing data necessary to permit reimbursement and evaluation of the clinics participating in the MHSP.

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

(1) The University of Chicago, Center for Health Administration Studies (CHAS), will use the data to evaluate the impact of the MHSP on health care costs and utilization.

(2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

(3) In event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The Division of Health Services Studies (DHSS) and CHAS will store data of hardcopy billing forms and machine readable media in storage area.

RETRIEVABILITY:

DHSS and CHAS retrieve the data by beneficiary name, date of service, and clinic name. DHSS will use the data to determine the appropriate level of reimbursement to be made to MHSP clinics.

SAFEGUARDS:

DHSS and CHAS will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. DHSS will store hardcopy in file cabinets in a locked office. For computerized records, HCFA will initiate ADP systems security procedures with reference to the guidelines contained in the DHSS ADP Systems Manual, Part 6, ADP System Security (e.g., DHSS will store machine readable media in locked cabinets in a locked room accessible only to authorized personnel).

RETENTION AND DISPOSAL:

DHSS and CHAS will retain hardcopy bills and machine readable media tapes with identifiers in secure storage areas. HCFA waivers permitting reimbursement to MHSP clinics will be effective through 1984; therefore HCFA will retain all hardcopy and magnetic tape of disc data until December 1985. At that time, HCFA will destroy all hardcopy and strip all machine readable media of all identifying names and numbers by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstrations, HCFA, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Individuals should address inquiries and requests concerning system records to the system manager, named above, specifying name, date of service, and clinic.

RECORD ACCESS PROCEDURES:

Any beneficiary who participates in the MHSP may request his or her data record in writing. Access procedure is the same as notification procedure. Requestor should also reasonably specify the record contents being sought.

These procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7)).

RECORD SOURCE CATEGORIES:

The information contained in this record system originates at MHSP clinics, specified in Appendix A to this notice, whenever a Medicare or Medicaid beneficiary obtains clinic services. Clinics in four of the cities, specified in Appendix B to this notice, will store hardcopies or machine readable media copies of the bills in their city health departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A—Participating Centers and Clinics

Contact the System Manager for further information about potential sites (*), clinics or center not yet built (**), and those that are to be moved.

Baltimore

Bank Street Health Center, 3411 Bank Street, Baltimore, Maryland

Belair—Edison—Gardenville Health Center*

Hollander Ridge Health Center, Hollander Ridge Avenue, Baltimore, Maryland

North of the Park Health Center*
O'Donnell Heights Health Center**

St. Louis

Courtney Health Center, 1717 Biddle Street, St. Louis, Missouri

13th and Wyoming Health Center, 3200 South 13th Street, St. Louis, Missouri

South Grand Health Center, 1501 South Grand Avenue, St. Louis, Missouri (will be moved), Walnut Park Health Center*

Milwaukee

Johnston Health Center, 1230 West Grant Street, Milwaukee, Wisconsin

Downtown Medical and Health Services, 2340 West Wisconsin Avenue, Milwaukee, Wisconsin, Karambee Health Center*, Sinai Clinic**

Cincinnati

Winston Hills Medical and Health Center, 5275 Winneste Avenue, Cincinnati, Ohio 45232

Avondale Clinic (Catherine Booth will be moved), 3595 Washington Avenue, Cincinnati, Ohio 45229

Braxton-Cann Memorial Medical Clinic, 5919 Madison Road, Cincinnati, Ohio 45227

San Jose

Gardener Community Health Center, Inc., 325 Willow Street, San Jose, California 95110

Franklin-McKinley Health Center, Clayton Road, San Jose, California

Downtown Clinic (site not selected).

Family Health Foundation of Alviso Adolescent Center (satellite to Franklin-McKinley)*

Appendix B—City Health Departments Where Records Will Be Stored

Baltimore City Department of Health, 111 N. Calvert Street, Baltimore, Maryland 21202

Cincinnati Department of Health, 3101 Burnet Avenue, Cincinnati, Ohio 45229

Milwaukee Department of Health, 841 N. Broadway, Milwaukee, Wisconsin 53202

St. Louis Department of Health and Hospitals, 1625 S. 14th Street, St. Louis, Missouri 63104

09-70-0023

SYSTEM NAME:

Evaluation of Home Dialysis Aide Demonstration, HHS/HCF/A/ORD

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The Orkand Corporation, 8630 Fenton Street, Suite 938, Silver Spring, Maryland 20910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Chronically ill Medicare beneficiaries with end-stage renal disease (ESRD) who dialyze at home, with or without a dialysis aide, or who dialyze in a facility as an outpatient; who receive dialysis services from participating experimental facilities; and who have signed the informed consent form for the demonstration and evaluation. (Note: For purposes of the demonstrations and the evaluation, dialysis aides have been defined as: Partner—a paid or non-paid family member; Assistant—a paid or non-paid, non-family member; Aide—generic term for either of the above.) The Health Care Financing Administration (HCFA) will permit payment for certain dialysis services (aide service and/or equipment) provided to these individuals and their aides which are not now covered under Medicare. These patients will be called "experimental patients" in this Notice.

2. Chronically ill Medicare beneficiaries with end-stage renal disease who dialyze at home, with or without an aide, or who dialyze in a

facility as an outpatient; who receive dialysis services from participating control facilities; and who have signed the informed consent form for the evaluation. These patients will be called "control patients" in this Notice.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Patient questionnaires administered to approximately 1,500 patients, both home and in-facility, at both experimental and control facilities. These questionnaires will provide sociodemographic information on each patient; patient dialysis history and experience; out-of-pocket expenses incurred; and patient attitudes towards dialysis, training, aides, location of dialysis and a comparison of home to facility dialysis. Questionnaires will show patient and health insurance claim number (HI claim number).

2. Aide questionnaires will show name and identify the aide's sociodemographic characteristics and employment experience as a dialysis aide and in other jobs. The questionnaire focuses on job attitudes, satisfaction with home training, responsibilities involved, facility support activities, and the job itself.

3. Aide record abstracts will identify aides by name and provide sociodemographic characteristics, occupational background, home training experience, employment history, amount of time spent in assisting patients with dialysis, and number of patients served.

4. Training records will identify patients by name and HI claim number and aides by name. Data will be provided on length of training, testing frequency and results, and retraining needed.

5. Medical records for both home and in-facility patients selected will identify patients by name and HI claim number. Data will be provided on adverse dialysis events, monitoring and support services received, underlying diagnosis of renal disease, type of treatment received, and cause of death, if applicable.

6. Patient billing records will identify patients by name and HI claim number and will provide information on charges for specific dialysis services to Medicare, Medicaid, third party payors, and to the patient. Information will also be provided on payments made by various payors, amounts disallowed by Medicare, and amount not paid.

7. Demonstration contractor data will also be entered into the system and identify patient by name and HI claim number. Demographic information will be provided and a breakdown of dialysis sessions recorded, type of aide, type of treatment, location of dialysis,

and date of transplant, transfer, or death.

8. Information on patients will also be obtained from the supplemental Medicare billing forms. This data will be linked to other sources of data through a patient's HI claim number. Information to be provided includes patient history and treatment plan (HCFA 2742), outpatient dialysis service information (HCFA 2743), and death notification (HCFA-2746).

9. Master magnetic tape file containing all utilization, quality, attitude, and cost data included in the other system records listed above.

10. HCFA will obtain written informed consent of every individual from whom information is solicited or whose records are abstracted for purposes of the demonstration and evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Social Security Amendments of 1967, Pub. L. 90-248, as amended by Section 222(b) of the Social Security Amendments of 1972, Pub. L. 92-603, and Pub. L. 95-292.

PURPOSE(S):

To provide utilization, attitude, cost, and quality data necessary to evaluate the dialysis care received by patients who dialyze at home, with or without an aide, or in-facility, and who are served by selected facilities participating in three demonstration projects sponsored by HCFA. The participating experimental facilities are identified in Appendix A and the participating control facilities are identified in Appendix B.

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

1. The independent evaluator will receive all information in the system from patient questionnaires, aide questionnaires, patient records, aide records, facility records, demonstration contractor records, intermediaries, and selected HCFA files either in hard copy, magnetic tape, or cards and store it in a master file. The independent evaluator will use this information to evaluate the cost, quality, attitudes, and utilization of dialysis care provided to home and in-facility patients in both the experimental and control facilities participating in the Home Dialysis Aide demonstrations. Once patient questionnaire information is linked to patient billing and medical records, all personal identifiers will be removed from the file.

2. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry

from the Congressional office made at the request of that individual.

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

STORAGE:

The independent evaluator will store records in hard copy and magnetic tape form.

RETRIEVABILITY:

Records are indexed by HI claim number or other unique identifier.

SAFEGUARDS:

The independent evaluator will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. Authorized HCFA representatives will upon request, be granted access to premises where records are kept for the purpose of inspecting physical security arrangements. However, no data will be released with identifying information. For computerized records, the independent evaluator will initiate automated data processing (ADP) system security procedures required by the DHHS ADP Systems Manual, Part 6, ADP Systems Security, e.g. use of passwords.

RETENTION AND DISPOSAL:

The independent evaluator will hold hard-copy records, magnetic types, and cards until patient and aide-specific data are received and compiled. All identifying information and hard-copy will then be destroyed, thus protecting the confidentiality of all information collected. The Orkand Corporation will retain all records for the life of the evaluation (September 30, 1982) and then these records will become the custody of the Office of Research and Demonstrations, HCFA. The independent evaluator will not retain any patient-based files. Data supplied to HCFA will not include patient identifiers. No data which would possibly identify an individual will be supplied.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 4228 HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Individuals should address inquiries and requests concerning system records to the system manager indicated above, specifying name, approximate date of

service (if known), and ESRD facility. An individual who requests notification or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. These notification and access procedures are in accordance with Department Regulations (45 CFR Part 5b).

RECORD ACCESS PROCEDURES:

Individuals participating in the demonstrations and the evaluation may request their data records in writing. Access procedure is the same as the notification procedure. Requestor should reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Part 5b).)

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the contents of any record in this system should contact the system manager and reasonably identify and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR Part 5b).)

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include individual patients and dialysis aides, participating experimental and control facilities, demonstration contractors, cooperating intermediaries, and selected HCFA files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A

I. University of Utah—Experimental Facilities

1. American Medical Supply, Inc. Denver, CO.
2. Bio-Medical Applications of Fort Collins, Fort Collins, CO.
3. Ogden Limited Care Dialysis Center, Ogden, UT.
4. Pike's Peak Dialysis Center, Colorado Springs, CO.
5. Maintenance Hemodialysis Unit, Presbyterian Medical Center, Denver, CO.
6. Rocky Mountain Kidney Center, Denver, CO.
7. St. Mary Corwin Hospital Hemodialysis Unit, Pueblo, CO.
8. Hemodialysis Unit, St. Mary's Hospital, Grand Junction, CO.
9. Home Training Center, University of Colorado Medical Center, Denver, CO.
10. Dialysis Training Center, University of Utah, Salt Lake City, UT

11. Utah Dialysis Training Center, University of Utah, Salt Lake City, UT.

II. System Sciences, Inc.—Experimental Facilities

1. Baumritter Kidney Center, Bronx, NY.
2. Downstate Dialysis Center, Brooklyn, NY.
3. El Camino Hospital, Mountain View, CA.
4. Kidney Care, Inc., Jackson MS.
5. Kidney Care of Florida, Inc., Tampa, FL.
6. Regional Kidney Disease Program, Minneapolis, MN.
7. St. Joseph's Hospital Hemodialysis Center, Orange, CA.
8. The Kidney Center, Boston, MA.

III. Research Triangle Institute—Experimental Facilities

1. A. J. Tannenbaum Medical Associates, Greensboro, NC.
2. Asheville Kidney Center, Asheville, NC.
3. Bowman Gray School of Medicine, Winston Salem, NC.
4. Carolina Clinic, Inc. Dialysis Unit, Winston, NC.
5. Duke University Medical Center, Durham, NC.
6. Greenville Dialysis Center, Greenville, NC.
7. Nalle Clinic Kidney Center, Charlotte, NC.
8. North Carolina Memorial Hospital, Chapel Hill, NC.
9. Southeastern Kidney Center, Wilmington, NC.

Appendix B

I. University of Utah—Control Facilities

1. Holt-Krock Dialysis Center, Ft. Smith AR.
2. Hemodialysis Unit, Jewish Hospital of St. Louis, St. Louis, MO.
3. Hemodialysis Unit, Baptist Unit, Baptist Medical Center, Oklahoma City, OK.
4. Hemodialysis Unit, Clinton Regional Hospital, Clinton, OK.
5. Sayre Memorial Hospital, Sayre, OK.
6. Renal Department, Hillcrest Medical Center, Tulsa, OK.

II. System Sciences, Inc.—Control Facilities

1. Bio-Medical Applications of Tampa, Tampa, FL.
2. Bio-Medical Applications of Dallas, Dallas, TX.
3. Dade Dialysis Center, Miami, FL.
4. Mt. Diablo Medical Center, Concord, CA.
5. North Central Dialysis Center, Chicago, IL.
6. Northwest Kidney Center, Seattle, WA.
7. Rogosin Kidney Center, New York, NY.
8. UCSD Hemodialysis Unit, San Diego, CA.

III. Research Triangle Institute—Control Facilities

1. Dialysis Clinic, Inc., Nashville, TN.
2. Dialysis Clinic, Inc., Knoxville, TN.
3. Dialysis Clinic, Inc., Chattanooga, TN.
4. Rhea County Hospital, Dayton, TN.
5. Fort Sanders Kidney Center, Inc., Knoxville, TN.
6. Baptist Memorial Hospital, Memphis, TN.

7. East Tennessee Dialysis Center, Johnson City, TN.

09-70-0024

SYSTEM NAME:

Medicare/Medicaid Hospice Demonstration, HHS/HCFR/ORD

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, Office of Health Program Systems, Program Support Branch Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

Health Care Financing Administration, Bureau of Support Services, Office of Direct Reimbursement, Division of Health Services Studies, 6325 Security Boulevard, Baltimore, Maryland 21207.

Washington National Records Center, Reference Branch, 4205 Suitland Road, Suitland, Maryland 20409.

Brown University, Division of Biology and Medicine, Arnold Lab Building, 97 Waterman Street, Providence, Rhode Island 02912.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Terminally ill Medicare beneficiaries and their primary care givers (that is, a family member, a friend, or an attendant paid by the patient or family) who receive hospice services from the 26 participating hospices and who have given written informed consent to participate in the demonstration. These patients will be called "patient participants" in this Notice (Requirements for patient participation are listed at the end of this section);

2. Terminally ill Medicaid (Medi-Cal) recipients and their primary care givers who receive hospice services at 24 of the participating hospices under the 14 participating State Medicaid programs, and who have given written informed consent to participate in the demonstration. These patients also will be called "patient participants";

3. Terminally ill patients and their primary care givers who receive services in the 26 participating hospices, but who are neither Medicare beneficiaries nor Medicaid recipients, or who otherwise do not meet the requirements for participation in the demonstration. Individuals in this category must give a written informed consent in order to be covered by this record system. These patients will be called "nonparticipating patients";

4. Terminally ill patients and their primary care givers served by selected hospices outside the demonstration, and who have given a written informed consent to be covered by this record system. These individuals will be called "comparison patients" or members of the "patient comparison groups" in this Notice;

5. Terminally ill patients and their primary care givers who receive conventional care from selected hospitals or cancer centers, and who have given a written informed consent to be covered by this record system. These individuals also will be called "comparison patients" or members of the "patient comparison groups" in this Notice.

In order to participate in the demonstration, patients must have: (1) A life expectancy of 6 months or less as certified by a physician, (2) a primary care giver, such as a relative, friend, or paid attendant who is available to provide simple personal care and emotional support on an around-the-clock basis, and (3) entitlement to Hospital Insurance Benefits (Medicare Part A) and Supplementary Medical Insurance Benefits (Medicare Part B) and/or eligibility under Medicaid. The Health Care Financing Administration (HCFA) will "waive," or temporarily not enforce, some provisions of the Medicare and Medicaid laws in order to permit payment for certain hospice services which are not now covered under these two programs. HCFA will reimburse for waived services provided only to patient participants and their primary care givers (the first two categories above).

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Bills for hospice-type services waived or currently covered by Medicare, which are submitted to HCFA by the 26 participating hospices. Billing and service information will show patient names and health insurance claim numbers (HI claim numbers);

2. Quarterly service utilization reports produced by HCFA from billing records. These reports will show Medicare services, by patient name and HI claim number, for which payment was made under the demonstration;

3. Billing information on hospice-type services waived or currently covered by Medicaid, which is submitted by the participating hospices to participating Medicaid State Agencies or to HCFA. These records will show patient names and unique numerical identifiers;

4. Billing information on other nonwaived services received by patient participants, non-participating patients, or comparison patients from

the participating hospices, the comparison hospices and hospitals, or other sources of care. This category of records will include hard copy or magnetic tapes of billing and service data supplied by participating and non-participating Medicaid State Agencies and cooperating private insurers, as well as information extracted from selected Medicare claims and enrollment files that are covered by existing systems notices;

5. Patient/primary care giver profile forms which will show patient name and HI claim number or other unique identifier. These hospice forms will provide information such as the patient's current status and prognosis, the array of patient/family needs, and appropriateness of hospice care for these needs. In addition, the profile forms will supply a variety of demographic, financial, and insurance data, including whether or not the patient is receiving Social Security disability benefits;

6. Patient discharge data forms which will show patient name and HI claim number or other unique identifier. These forms will provide information on total days of services received in inpatient and home care settings, reason for discharge, and place of death;

7. Service utilization abstracts which will show patient name and HI claim number or other unique identifier. These records will be updated periodically for all categories of individuals in the system and will document services provided to each patient and primary care giver, time required for each service, and type of professional (or volunteer) providing the services. The abstracts will also document bereavement services to the primary care giver following the patient's death;

8. Survey on the "Impact of Hospice Care on Patient and Family." Survey forms will show patient name and HI claim number or other unique identifier. This survey will be a major source of information for the independent evaluator in determining the quality and acceptability of services provided to terminally ill patients. The questions will focus on the patient's experience of pain and other symptoms, functional and emotional status of the patient, and patient and primary care giver attitudes toward care received;

9. Master demonstration file, indexed by patient name and HI claim number or other unique identifier, containing all billing, service, and evaluation data included in the other system of records listed above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Social Security Amendments of 1967, Pub. L. 90-248, as amended by section 222(b) of the Social Security Amendments of 1972, Pub. L. 92-603, and section 1115(a) of the Social Security Act, as amended by section 404 of the Social Security Amendments of 1977, Pub. L. 95-216.

PURPOSE(S):

The purpose of this system of records is: (1) to provide billing, cost, and service data necessary to reimburse and evaluate the care received by terminally ill Medicare beneficiaries, Medicaid recipients, and their primary care givers from hospice organizations selected to participate in the demonstration; (2) to furnish information necessary to evaluate the services received by other groups of terminally ill patients and their families; (3) to develop national policy recommendations to the Congress; (4) to validate the work of the independent evaluator; (5) to provide national data projections as a basis for actuarial estimates of the cost of the hospice program and the cost of terminal illness in general; and (6) for additional internal analyses.

HCFA may also provide information from the record of an individual to other agencies of the Department of Health and Human Services, such as the Social Security Administration.

HCFA will obtain the written informed consent of every individual from whom information is solicited or whose records are abstracted for purposes of the demonstration or its evaluation.

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

1. Brown University will receive all information in the system from billing, service utilization, patient/primary care giver profile and patient/family attitude records, either in hard copy, magnetic tape, or flexible diskette forms, and store it in the master demonstration file, a magnetic tape. The evaluator will use this information to assess the cost, use, quality and acceptability of care provided to terminally ill patients in both the demonstration and comparison groups;

2. HCFA may disclose a record from this system of records as a "routine use" to an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal

limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is a reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the information recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

3. HCFA may make disclosures to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual;

4. In event of litigation where the defendant is (a) the Department, any component of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the

Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected;

5. HCFA may make disclosures to a participating Medicaid State Agency from the record of a Medicaid recipient who resides in that State.

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

Participating hospices will transmit hard copy or tapes of billing information for services that are waived or currently covered by Medicare to Division of Health Services Studies, Office of Direct Reimbursement (DHSS/ODR), HCFA. This Office will serve as the fiscal intermediary for Medicare payments under the demonstration. DHSS/ODR will transfer the information to an automated record system using flexible diskettes. After the operational phase of the demonstration, this information will be transferred to magnetic tape.

Some participating Medicaid State Agencies have also chosen to use DHSS/ODR as their fiscal intermediary for the demonstration. In these States, participating hospices will also submit Medicaid bills to DHSS/ODR. Other Medicaid State Agencies which use their regular intermediaries for the demonstration will transmit billing information to the independent evaluator.

Besides Medicaid bills, Brown University will also receive copies of all other records in the system, whether generated by DHSS/ODR, Medicaid State Agencies, or cooperating private insurers. From these records and from information extracted from Medicare claims and enrollment files, Brown University will create a master demonstration file (a magnetic tape). HCFA will hold a duplicate of this master file.

HCFA and Brown University will store records in hard copy, flexible diskette and magnetic tape form.

RETRIEVABILITY:

(a) HCFA will store and retrieve Medicare and Medicaid billing data by beneficiary name and HI claim number or other unique identifier.

(b) HCFA will retrieve data from the master demonstration file by patient name and HI claim number or other unique identifier.

SAFEGUARDS:

HCFA and Brown University will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. For computerized records, HCFA and Brown University will initiate automated data processing (ADP) systems security procedures required by the DHHS ADP Systems Manual, Part 6, ADP Systems Security. As examples of system safeguards, DHSS/ODR, which will process the majority of bills submitted by the participating hospices, will store all magnetic tapes in a locked tape library in a locked computer room. The mini-computer used by DHSS/ODR is not linked to any outside terminals and so there is no access to the system beyond the secured computer room. Moreover, only specific personnel may enter this room. The building housing this system is guarded during non-work hours.

RETENTION AND DISPOSAL:

HCFA and Brown University will retain these records for the life of the demonstration and the evaluation. HCFA then will destroy all information in records from the demonstration and evaluation which contain personal identifiers, whether in hard copy records or on magnetic tapes or flexible diskettes. The sole exception will be the hard copy Medicare billing records. Upon completion of the evaluation, these billing records will be sent to the Washington National Records Center in Suitland, Maryland. Records on bills for the Hospital Insurance Program will be destroyed 8-years after payment is made, and records on bills for the Supplementary Medical Insurance Program will be destroyed 5 years after payment is made.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Individuals should address inquiries and requests concerning system records to the system manager, indicated above, specifying name, approximate date of service (if known), and hospice or hospital. An individual who requests notification or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject

individual of its contents at the representative's discretion. These notification and access procedures are in accordance with Department Regulations (45 CFR Part 5b).

RECORD ACCESS PROCEDURE:

Individuals who participated in the demonstration project may request their data records in writing. Access procedure is the same as the notification procedure. Requestor should reasonably specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR Part 5b).

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the contents of any record in this system should contact the system manager, reasonably identify the record, and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with Department Regulations (45 CFR Part 5b).

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include individual patients and primary care givers, the participating hospices, the comparison hospices and hospitals, participating and selected non-participating Medicaid State Agencies, cooperating private insurers, and selected HCFA enrollment and claims files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A—Participating Hospices

Genesee Region Home Care Association, 311 Alexander Street, Rochester, New York 14604.
Connecticut Hospice, Inc., 61 Burban Drive, Branford, Connecticut 06405.
Overlook Hospital, Division of Community Health, 193 Morris Avenue, Summit, New Jersey 07901.
Medical College of Virginia, Box 37, MCV Station, Richmond, Virginia 23298.
Visiting Nurse Association of Dallas, 4606 Greenville Avenue, Dallas, Texas 75206.
Hospital Home Health Care, 400 Walter N.E., Suite 316, Albuquerque, New Mexico 87102.
Hospice Care, Inc., 8891 78th Avenue, North, Seminole, Florida 33543.
Providence Medical Center, 700 N.E. 47th Avenue, Portland, Oregon 97213.
Bethesda Lutheran Medical Center, 559 Capitol Boulevard, St. Paul, Minnesota 55103.
Bellin Memorial Hospital, P.O. Box 1700, 744 South Webster Avenue, Green Bay, Wisconsin 54305.
Community Home Health Care, 200 West Thomas Street, Seattle, Washington 98119.

Cabrini Medical Center, 227 East 19th Street, New York, New York 10003.
San Diego County Hospice Corporation, 3134 El Cajon Boulevard, San Diego, California 92104.
Hospice of Northern Virginia, Inc., 4715 North 15th Street, Arlington, Virginia 22205.
Santa Barbara Visiting Nurse Association, 133 East Haley Street, Santa Barbara, California 93101.
Boulder County Hospice, 2118 14th Street, Boulder, Colorado 80302.
University of Massachusetts Medical Center, Palliative Care Service, Inc., 55 Lake Avenue, North, Worcester, Massachusetts 01605.
Hospital Home Health Care Agency of California, 23228 Hawthorne Boulevard, Torrance, California 90505.
San Pedro Peninsula Hospital, 1300 West Seventh Street, San Pedro, California 90732.
St. Benedict Hospital and Nursing Home, Johnson at South Alamo, San Antonio, Texas 78204.
Hospice, Inc., 111 N.W. 10th Avenue, Miami, Florida 33128.
Hospice of the Good Shepherd, Inc., P.O. Box 144, Waban, Massachusetts 02168.
Visiting Nurse Association, Inc., 260 College Street, Burlington, Vermont 05401.
Hospice of Marin, 77 Mark Drive, #6, San Rafael, California 94903.
Rogers Memorial Hospital, Inc., 34810 Pabst Road, Oconomowoc, Wisconsin 53066.
Lutheran Medical Center, Continuing Care Unit, 2639 Miami Street, St. Louis, Missouri 63118.

Appendix B—Participating Medicaid State Agencies

Colorado Department of Social Services, 1574 Sherman Street, Denver, Colorado 80203.
New Jersey Department of Human Services, 324 East State Street, Trenton, New Jersey 08625.
Department of Social Welfare, State Office Building, Montpelier, Vermont 05602.
Department of Social and Health Services, Division of Medical Assistance LK-11, Office of Medical Policy and Procedure, Olympia, Washington 98504.
Department of Human Services, Income Support Division, P.O. Box 2348, Santa Fe, New Mexico 87503.
Department of Health Services, 714 P Street, Sacramento, California 95814.
Department of Health and Rehabilitative Services, 1317 Winewood Boulevard, Tallahassee, Florida 32301.
New York State Department of Social Services, 40 North Pearl Street, Albany, New York 12243.
Department of Health, 109 Governor Street, Richmond, Virginia 23219.
Department of Health and Social Services, Room 643, 1 West Wilson Street, Madison, Wisconsin 53702.
Department of Income Maintenance, 110 Bartholomew Avenue, Hartford, Connecticut 06115.
Department of Public Welfare, Income Maintenance Division, 690 North Robert Street, St. Paul, Minnesota 55164.

Department of Public Welfare, 600
Washington Street, Boston, Massachusetts
02111.
Texas Department of Human Resources, P.O.
Box 2960, Austin, Texas 78769.

09-70-0025

SYSTEM NAME:

Evaluation of the Long-Term Home
Health Care Program, HHS, HCFA, ORD

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Abt. Associates, Inc., 55 Wheeler
Street, Cambridge, Massachusetts 02138.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Past and current participants of the
Long-Term Home Health Care Program
(LTHHCP).

2. Comparison patients who meet the
eligibility requirements for the LTHHCP
and have signed the consent form for
this evaluation but are not participants.
To participate in the LTHHCP,
individuals must fulfill the following
four requirements:

1. Be Medicaid eligible.
2. Have a DMS-1 score of at least 60.
3. Annual cost of health care services
required by the individual must not
exceed 75% of the cost of alternative
long-term care, i.e., nursing home care.
4. Have an adequate home situation in
which he/she can be maintained.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Records of health status measured
by the New York State Medical
Assessment Abstract, the DMS-1. These
assessments will specify the nature of
disabilities, diagnosis, as well as the
type of rehabilitation required and the
level of care needed.

2. Records of home environment that
contain information regarding the
potential of the patient's residence for
home care, the motivation of the patient
and his/her family to retain the patient
at home, and various demographic data
about the patient.

3. Reports of projected cost of home
care that contain information about the
projected types and cost of home care
services required by the patient.

4. Records for service utilization and
cost that include data from major
benefit programs, namely, Medicaid,
Medicare, Food Stamps, public
assistance, Title XX social services, fuel
assistance, and Supplemental Security
Income.

5. LTHHCP discharge summary
reports that contain information about
the patient's health status and service
needs upon discharge from the LTHHCP.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the 1967 Amendments
to the Social Security Act, Pub. L. 90-
248, as amended by section 222(b) of the
1972 Amendments to the Social Security
Act, Pub. L. 92-603, and section 1115(a)
of the Social Security Act, as amended
by section 404 of the Social Security
Amendments of 1977, Pub. L. 95-216.

PURPOSE(S):

The purpose of this system of records
is:

1. To develop national policy
recommendations to the Congress and
the Department of Health and Human
Services,
2. To validate the work of the
independent evaluator,
3. To determine whether the LTHHCP
is meeting its programmatic goals, and
4. To determine the population
characteristics, cost and effectiveness of
LTHHCP relative to those of programs
with similar goals operating elsewhere
in the United States.

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

1. Abt Associates, Inc., the
independent evaluator, will receive all
information in the system about health
status, service utilization, and cost on
either hard copy, magnetic tape, or
flexible diskette form, and store it in the
master evaluation file, and magnetic
tape. The evaluator will use this
information to assess changes in health
status, in addition to service utilization
and cost for patients in the LTHHCP and
in the comparison group.
2. HCFA may make disclosures to a
congressional office from the record of
an individual in response to an inquiry
which the congressional office makes at
the request of that individual.

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

STORAGE:

Hardcopy health status and home
environment reports will be stored at
Abt Associates, Inc. in a secured storage
area. Service utilization and cost
information on magnetic tape as well as
data tapes created from hardcopy forms,
will be stored in locked tape libraries
and computer rooms maintained by Abt
Associates, Inc. The information from
these records will be merged and stored
in the master evaluation file.

RETRIEVABILITY:

Information stored on magnetic tape
will be retrievable by Medicaid or
Social Security number. Information

stored on the master evaluation file will
also be retrievable by Medicaid number.

SAFEGUARDS:

Abt Associates will maintain all
records in secure storage areas
accessible only to authorized employees
and will notify all employees having
access to records of criminal sanctions
for unauthorized disclosure of
information on individuals. For
computerized records Abt Associates,
Inc., will initiate automated data
processing (ADP) systems security
procedures required by the DHHS ADP
Systems Manual, Part 6, ADP Systems
Security. Data files will be accessed and
searched with the authorized user
password only.

RETENTION AND DISPOSAL:

Abt Associates, Inc., will retain the
records for the life of the evaluation and
then transfer to HCFA. HCFA will then
destroy all patient identifiers in records
from the evaluation, whether in hard
copy records or on magnetic tapes or
flexible diskettes.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Research and
Demonstrations, Health Care Financing
Administration, Room 4228, HHS
Building, 330 Independence Avenue,
SW., Washington, D.C. 20201

NOTIFICATION PROCEDURE:

Individuals should address inquiries
and requests concerning system records
to the system manager indicated above,
specifying name and Medicaid number.
An individual who requests notification
or access to a medical record shall, at
the time the request is made, designate
in writing a responsible representative
who will be willing to review the record
and inform the subject individual of its
contents at the representative's
discretion. These notification and access
procedures are in accordance with
Department Regulations (45 CFR Part
5b).

RECORD ACCESS PROCEDURE:

Individuals who participate in the
demonstration project may request their
data records in writing. Access
procedure is the same as the notification
procedure. Requestor should reasonably
specify the record contents being sought.
These access procedures are in
accordance with Department
Regulations (45 CFR Part 5b).

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest
the contents of any record in this system
should contact the system manager,
reasonably identify the record, and

specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with Department Regulations (45 CFR Part 5b).

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include individual patients, their families and their primary care givers, participating health care facilities and agencies, cooperating Medicare and Medicaid intermediaries and carriers, and selected Medicare and Medicaid enrollment and claim files. Selected social service claim and enrollment information will be abstracted from supplemental security income, public assistance, fuel assistance, Title XX social services, and food stamps.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A—Operating Long-Term Home Health Care Program

Programs—Upstate Location

Cattaraugus County, Department of Health, Olean, New York—Cattaraugus County
Erie County, Department of Health, Buffalo, New York—Erie County
Onondaga County, Department of Health, Syracuse, New York—Onondaga County
24 Rhode Island Street, Nursing Home Company, Inc., Buffalo, New York—Erie County
Visiting Nurse Association of Central New York

Programs—New York City

Metropolitan Jewish Geriatric Center, New York, New York—Kings County
Montefiore Hospital & Medical Center, New York, New York—Bronx County
St. Vincent's Hospital, Chelsea-Village, New York, New York—New York County
Visiting Nurse Service of New York, New York, New York—Queens County

09-70-0026

SYSTEM NAME:

Study of the Comparative Effectiveness of State Approaches to Regulation of Medicare Supplemental Policies: Medigap HHS/HCFA/ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

SRI International, 333 Ravenswood Avenue, Menlo Park, California 94025.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries (age 65 and older) who reside in the eight

participating States and disabled Medicare beneficiaries (under 65) nationwide.

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaires administered to approximately 4,800 Medicare beneficiaries. These questionnaires will provide information on each beneficiary concerning sociodemographic characteristics, such as education, knowledge of and experience with Medicare, number and type of private health insurance policies, identifying information about the policies held and purchasing behavior. A copy of each insurance policy will be obtained from the beneficiary if possible or from the insurance company with the policyholder's consent. Questionnaires will show beneficiary name and health insurance claim name (HI claim number) or other unique identifier. Insurance policies will have policyholder's identifying number. The National Center for Health Services Research (NCHSR) questionnaire will be administered to the same study sample of Medicare beneficiaries and will provide information concerning each respondent's knowledge of the risks of needing insurance coverage for long-term care services, the availability of insurance for such risks, the preferences for specific insurance benefits for long-term care and their willingness to pay for those benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

HCFA authority is based on Section 1882 of the Social Security Act as amended by Section 507, paragraphs (f)(1) and (f)(2) of Pub. L. 96-265. NCHSR authority is based on Sections 304 and 305 of the Public Health Service Act, as amended by the Health Services Research, Health Statistics, and Medical Libraries Act of 1974, Pub. L. 93-353, and the Health Services Research, Health Statistics and Health Care Technology Act of 1978, Pub. L. 95-623.

PURPOSE OF THE SYSTEM:

The purpose of this system of records is to provide information on consumers' purchasing behavior, the policies they hold and the circumstances of insurance sales transactions in order to analyze the effectiveness of varying State insurance regulations on:

- Limiting marketing and agent abuse;
- Assuring the dissemination of such information to individuals entitled to benefits under this title (and to other consumers) as is necessary to permit informed choice;
- Promoting policies which provide

reasonable economic benefits for such individuals;

- Reducing the purchase of unnecessarily duplicative coverage; and
- Improving price competition.

The purpose of the disabled beneficiary survey is to provide national estimates of the proportion of this population who have supplemental health insurance.

In addition the NCHSR system of records is to provide information on consumer's knowledge of the risks of needing long-term care, the availability of insurance for such risks, the preference for specific insurance benefits and their willingness to pay for those benefits. This information will be used to contribute to a study of the market potential for private long-term care insurance.

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

1. The contractor will receive all information in the system from beneficiary questionnaires and their health insurance policies either in hard copy, magnetic tape, or cards and store it in a master file. The contractor will use this information to assess the comparative effectiveness of various State regulatory approaches to Medicare supplemental insurance. Once the beneficiary questionnaire information is linked with the health insurance policy information of the beneficiary, all personal identifiers will be removed from the file.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.

3. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

The contractor will store records in hard copy and magnetic tape form.

RETRIEVABILITY:

Records are indexed by Health Insurance claim number or other unique identifier.

SAFEGUARDS:

The contractor will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. Authorized HCFA representatives will, upon request, be granted access to premises where records are kept for the purpose of inspecting physical security arrangements. However, no data will be released with identifying information. For computerized records, the contractor will initiate automated data processing (ADP) system security procedures required by the Department's ADP Systems Manual, Part 6. ADP Systems Security, e.g., use of passwords.

RETENTION AND DISPOSAL:

The contractor will hold hard-copy records, magnetic tapes, and cards until beneficiary specific data are received and compiled. All identifying information and hard-copy will then be destroyed, thus protecting the confidentiality of all information collected. The contractor will retain all records for the life of the contract and then these records will become the custody of the Office of Research and Demonstrations, HCFA. The contractor will not retain any beneficiary based files. Data supplied to HCFA and NCHSR will not include beneficiary identifiers. No data which would possibly identify an individual will be supplied.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 4222, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the systems manager at the address indicated above, specifying name, address and health insurance claim number. These notification and access procedures are in accordance with Department Regulations (45 CFR Part 5b).

RECORDS ACCESS PROCEDURES:

Individuals participating in the Survey may request their data records in writing. Access procedure is the same as the notification procedure. Requestor should reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR Part 5b)).

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the contents of any record in this system should contact the system manager and reasonably identify and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR Part 5b)).

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include Medicare beneficiaries, insurance companies, survey contractor and subcontractors (if any), and selected HCFA files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0027

SYSTEM NAME:

Evaluation of the HMO Capitation Demonstrations, HHS/HCFA/ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

Research Triangle Institute, P.O. Box 12194, Research Triangle Park, North Carolina 27709.

Jurgovan and Blair, Inc., 51 Monroe Street, Rockville, Maryland 20850.

SysteMetrics, Inc., 4520 East-West Highway, Bethesda, Maryland 20014.

Health Care Financing Administration, ORD, Room 1E6 Oak Meadows Building, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries residing in the following Counties and States: Worcester, Massachusetts; Ingham, Eaton, and Clinton, Michigan; Taylor, Clark, Wood, Marathon, Wisconsin; Anoka, Carver, Dakota, Hennepin, St. Louis, Ramsey, Scott, and Washington, Minnesota; Multnomah, Clackamas, Oregon; Clark, Washington.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic characteristics, attitudes toward joining and disenrolling from

HMOs, the influence of supplemental Medicare coverage on HMO enrollment, health status (as measured by administration of a health status inventory), and health care utilization, reimbursements and costs incurred by Medicare beneficiaries enrolled and not enrolled in HMO Medicare demonstration projects.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Social Security Amendments of 1967, Pub. L. 90-248, as amended by section 222(b) of the Social Security Amendments of 1972, Pub. L. 92-603, 42 U.S.C. 1395b-1.

PURPOSE:

To provide data necessary to evaluate HCFA's Medicare Capitation Demonstration projects, including information to study the marketing effectiveness of health maintenance organization's enrolling Medicare beneficiaries under the demonstration projects, the potential selection bias in Medicare HMO enrollment that may be associated with an enrollee's health status, and the extent of in and out-of-plan utilization and out-of-pocket expenses incurred by Medicare beneficiaries who are "locked-in" to receiving their health care from a single provider (i.e., HMO).

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

1. Disclosure of identifiable information may be made to: Jurgovan and Blair, Inc., 51 Monroe Street, Rockville, Maryland 20850 and its subcontractors, Research Triangle Institute, P.O. Box 12194, Research Triangle Park, North Carolina 27709, and SysteMetrics, Inc., 4520 East-West Highway, Bethesda, Maryland to provide overall direction for the evaluation, to collect and analyze survey information, and to link survey data with secondary data bases for analytical purposes, respectively.
2. To a congressional office, from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. In event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to

represent such employee; the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

RTI and SysteMetrics will store records in hard copy and magnetic tape form.

RETRIEVABILITY:

Information stored on tape will be retrieved by beneficiary name or other unique identifier assigned by Research Triangle Institute.

SAFEGUARDS:

All records will be retained in secure storage areas accessible only to authorized employees of Research Triangle Institute, Jurgovan and Blair, Inc., and SysteMetrics. All employees of these organizations having access to records have been notified of criminal sanctions for unauthorized disclosure of information on individuals. After the hardcopy and tapes are validated and analyzed by the evaluation contractor and its subcontractors, they will be returned to HCFA.

For computerized records, ADP systems security procedures will be instituted with reference to guidelines contained in the DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g., use of password).

RETENTION AND DISPOSAL:

Hardcopy data collection forms and magnetic data tapes with identifiers will be retained in secure storage areas. The disposal technique of degaussing will be used to strip magnetic tape of all identifying names and numbers in December 1987. Hardcopy will be destroyed at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any Medicare beneficiary who participates in this evaluation may request his or her data record in writing. This request should be addressed to the system manager indicated above, specifying name and Medicare number. These notification procedures are in

accordance with Department Regulations (45 CFR Part 5b).

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requester should also reasonably specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR Part 5b).

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address specified above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. Those procedures are in accordance with Department Regulations (45 CFR Part 5b).

RECORD SOURCE CATEGORIES:

Personal interviews and telephone interviews with Medicare beneficiaries completed by Research Triangle Institute or its authorized designee(s), i.e., survey research firms with which it subcontracts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0028

SYSTEM NAME:

Study of the Social, Ethical, and Economic Consequences of Medicare Coverage for Heart Transplants; HHS/HCFA/ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The location of the system for the duration of the contract will be: Battelle Human Affairs Research Centers, 4000 N.E. 41st Street, Seattle, Washington 98105. Additional information on the contractor site will be available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Heart transplant recipients or their families.

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaires administered to approximately 100 living heart transplant recipients and approximately 100 families of deceased heart transplant recipients. These questionnaires will provide information on each transplant patient concerning survival rates, cost of the heart transplant procedure, and the impact of the procedure on the quality of life of the

patient and his/her family. Relevant medical data will also be abstracted from patient medical records maintained at each transplant center.

Questionnaires will show a patient identification number although patient names will not appear on the questionnaires. To the extent that these patients are eligible for and have received Medicare benefits for the treatment of end-stage cardiac disease, these data will also become part of the proposed system of records. Additional data will also be obtained from the four to six participating heart transplant programs. These data include yearly hospital charge data, Medicare cost reports, cost data on equipment, facilities and personnel resources needed to perform transplants, and other similar data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act.

PURPOSE(S):

To provide information on all aspects of heart transplantation including the cost of transplant procedures and follow-up, the status of patients following transplant, and the implications the End-stage Renal Disease Program has for Medicare coverage of heart transplants.

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

1. The contractor will use this information to assess the potential implications of a possible Medicare decision to pay for heart transplants on the Medicare program, Medicare beneficiaries, and the providers of health care.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.
3. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective

defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper and magnetic tape.

RETRIEVABILITY:

Records are indexed by a unique identifier.

SAFEGUARDS:

The contractor will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. Authorized HCFA representatives will, upon request, be granted access to premises where records are kept for the purpose of inspecting physical security arrangements. However, no data will be released with identifying information. For computerized records, the contractor will initiate automated data processing (ADP) system security procedures required by the DHHS ADP Systems Manual, Part 6, ADP Systems Security, e.g., use of passwords.

RETENTION AND DISPOSAL:

The contractor will hold hard-copy records, magnetic tapes, and cards until beneficiary specific data are received and integrated. All identifying information and hard-copy records will then be destroyed, thus protecting the confidentiality of all information collected. The contractor will retain all records for the life of the contract and then these records will become the custody of the Office of Research and Demonstrations, HCFA. Data supplied to HCFA will not include individual identifiers. No data which would possibly identify an individual will be supplied.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the Systems Manager at the address indicated above, specify name, address and patient identification number. These notification and access procedures are in accordance with Department Regulations (45 CFR Part 5b).

RECORDS ACCESS PROCEDURE:

Individuals participating in the survey may request their data records in writing. Access procedure is the same as the notification procedure. Requestor should reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations 45 CFR Part 5b.)

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the contents of any record in this system should contact the System Manager and reasonably identify and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations 45 CFR Part 5b.)

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include heart transplant patients, heart transplant centers, survey contractor and subcontractors (if any), and selected HCFA files. For example, data routinely reported on HCFA Form 1453, Inpatient Hospital and Skilled Nursing Facility Admission and Billing Form, will be requested.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0501

SYSTEM NAME:

Carrier Medicare Claims Records, HHS, HCFA, BPO.

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATION:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration (see Appendix C, Section 4.)

Federal Records Centers,
Bureau of Quality Control, HCFA,
Office of Systems Analysis, 6325
Security Boulevard, Baltimore,
Maryland 21207

HHS Parklawn Computer Center, 5600
Fishers Lane, Rockville, Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries who have submitted claims for Supplementary Medical Insurance Benefits (Medicare Part B).

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for Payment; Provider Billing for Patient Services by Physician; Prepayment Plan for Group Medicare

Practices Dealing through a Carrier, Health Insurance Claim Form, Request for Medical Payment, Patient's Request for Medicare Payment, Request for Medicare Payment—Ambulance, Explanation of Benefits, Summary Payment Voucher, Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to beneficiaries and to physicians and other suppliers of part B Medicare services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1842 and 1874 of title XVIII of the Social Security Act (42 U.S.C. 1395u and 1395kk).

PURPOSE:

To properly pay medical insurance benefits to or on behalf of entitled beneficiaries.

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

Disclosure may be made to: (1) Claimants, their authorized representatives or representative payees to the extent necessary to pursue claims made under Title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts (without the consent of the individuals to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse

or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of system activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to the Social Security Act programs, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organizations in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of title XVIII.

(11) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

(c) Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicare eligibility considerations. Disclosures of physicians' customary charge data are made to State audit agencies in order to ascertain the correctness of Title XIX charges and payments.

(15) In the event of litigation where the defendant is (a) the Department, any component of Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the

Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(16) Peer review groups, consisting of members of State, County, or local medical societies or medical care foundations (physicians), appointed by the medical society or foundation at the request of the carrier to assist in the resolution of questions of medical necessity, utilization of particular procedures or practices, or overutilization of services with respect to Medicare claims submitted to the carrier.

(17) Physicians and other suppliers of services who are attempting to validate individual items on which the amounts included in the annual Physician/Supplier Payment List or similar publications are based.

(18) Senior citizen volunteers working in intermediaries' and carriers' offices to assist Medicare beneficiaries in response to beneficiaries' requests for assistance.

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

STORAGE:

Records maintained on paper, tape, disc, and punchcards.

RETRIEVABILITY:

System is indexed by health insurance claim number. The record is prepared by the beneficiary and is used by carriers to determine amount of Part B benefits. The bills are retained by the carriers. Copies of selected parts of the records will be used by the Office of Systems Analysis and data will be retrieved in Rockville from Baltimore via dial-up telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records area. Disclosure is limited. Physical safeguards related to the transmission and reception of data between Rockville and Baltimore are those requirements established by the DHHS ADP Systems Manual, Part 6.

RETENTION AND DISPOSAL:

Records are closed at the end of the calendar year in which paid, held two additional years, transferred to Federal

Records Center and destroyed after another 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing
Administration, Director, Bureau of
Program Operations, 6325 Security
Boulevard, Baltimore, Md. 21207

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier, the HCFA Regional Office, or to the system manager named above. The individual should furnish his or her health insurance claim number and the name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0502

SYSTEM NAME:

Health Insurance Master Record,
HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing
Administration, Bureau of Support
Services, 6325 Security Blvd., Baltimore,
Md. 21207.

HHS Parklawn Computer Center, 5600
Fishers Lane, Rockville, Maryland 20857.
Federal Records Centers

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals age 65 or over who have been, or currently are, entitled to health insurance (Medicare) benefits under title XVIII of the Social Security Act; individuals under age 65 who have been, or currently are, entitled to such benefits on the basis of having been entitled for not less than 24 months to disability benefits under title II of the Act or under the Railroad Retirement Act and individuals who have been, or currently are, entitled to such benefits because they have end-stage renal disease.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on enrollment, entitlement, authorization from the Veterans Administration (VA) to receive VA-financed medical services at non-VA facilities Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1814 and 1833 of title XVIII of the Social Security Act (42 U.S.C. 1395f and 1395l).

PURPOSE(S):

To maintain information on Medicare beneficiary eligibility and costs in order to reply to inquiries from contractors and intermediaries and to maintain utilization data for health insurance bill and payment record processing.

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

Disclosure may be made to: (1) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

(2) State Welfare Department pursuant to agreements with the Department of Health and Human Services for determining Medicaid and Medicare eligibility, for quality control studies, for determining eligibility of recipients of assistance under titles IV, XVIII, and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(3) State audit agencies for auditing State Medicaid eligibility considerations.

(4) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII.

(5) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(6) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's

understanding of and willingness to abide by these provisions.

(7) In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(8) To a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(9) State welfare agencies that require access to the two files which are extracted from the Health Insurance Master Record. These files are the Carrier Alphabetical State File (CASF) and Beneficiary State File (BEST). Most State agencies require access to the CASF and BEST files for improved administration of the Medicaid program. Routine uses of the CASF and BEST files for State agencies are: (a) Obtaining a beneficiary's correct health insurance claim number and (b) screening of pre-payment and post-payment Medicaid claims.

(10) Third-party contacts (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for an entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual,) or

(b) The data are needed to establish the validity of evidence or to verify the

accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of system activities.

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

STORAGE:

Records maintained on paper, listings, microfilm, magnetic tape disc and punchcards.

RETRIEVABILITY:

System is in sequence by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dialup telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records areas. Disclosure is limited to routine use. For computerized records electronically transmitted between Central Office and field office locations (including Medicare contractors), systems securities are established in accordance with DHHS ADP Systems Manual, Part 6, "ADP Systems Security." Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

RETENTION AND DISPOSAL:

Records are generally added to the file several months prior to entitlement. After the death of a beneficiary, his or her records may be placed in an inactive file following a period of no billing or query activity. The current 5 years of Part B and current 5 spells of Part A utilization data are maintained. All noncurrent data is microfilmed prior to elimination from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Md 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier or intermediary, the

HCFA Regional Office, or to the system manager named above. The individual should furnish his or her health insurance claim number and name as shown on Medicare records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7)).

RECORD SOURCE CATEGORIES:

The data contained in these records are furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual; the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0503

SYSTEM NAME:

Intermediary Medicare Claims Records, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Intermediaries under contract to the Health Care Financing Administration and the Social Security Administration (See Appendix C, Section 3.)

Federal Records Centers
Bureau of Quality Control, HCFA,
Office of Systems Analysis, 6325
Security Boulevard, Baltimore,
Maryland 21207, HHS Parklawn
Computer Center, 5600 Fishers Lane,
Rockville, Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries on whose behalf providers have submitted claims for reimbursement on a reasonable cost basis under Medicare Parts A and B.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inpatient Hospital and Skilled Nursing Facility Admission and Billing; Provider Billing for Medical and Other Health Services; Inpatient Admission and Billings—Christian Science Sanatorium; Home Health Agency Report and Billing, and other documents used to support payments to beneficiaries and providers of services. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, medical record number, prior stay information, provider name and address, physician's name, date of admission and discharge, other health insurance, diagnoses, surgical procedures, and a statement of services rendered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1816 and 1874 of Title XVIII of the Social Security Act (42 U.S.C. 1395h and 1395kk).

PURPOSE(S):

To process and pay Medicare benefits to or on behalf of eligible individuals.

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

Disclosure may be made to:

(1) Claimants, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual) or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse

or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of systems activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to Social Security Act programs, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organizations in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of title XVIII.

(11) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by the provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determination of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicaid eligibility considerations.

(15) In the event of litigation where the defendant is (a) the Department, any components of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department may disclose such

records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purposes for which the records were collected.

(16) Senior citizen volunteers working in the intermediaries' and carriers' offices to assist Medicare beneficiaries in response to beneficiaries requests for assistance.

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

STORAGE:

Records maintained on paper forms, magnetic tape and microfilm.

RETRIEVABILITY:

The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to providers by the intermediaries. The bill data are forwarded to the Health Care Financing Administration, Bureau of Support Services, Baltimore, Md., where they are used to update the central office records. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dial-up telecommunications lines.

SAFEGUARDS:

Disclosure of records is limited. The file area is closed to unauthorized personnel. Physical safeguards related to the transmission and reception of the data between Rockville and Baltimore are those requirements established by the DHHS ADP Systems Manual, Part 6.

RETENTION AND DISPOSAL:

Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to the Federal Records Center and destroyed after another 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Md. 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for systems records should be addressed to the social security office nearest the requester's residence, the appropriate intermediary, the HCFA Regional Office, or to the system manager named above. The individual should furnish his or her health insurance number and name as

shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (The access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0504

SYSTEM NAME:

Beneficiary Part A and B Uncollectible Overpayment File, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Blvd., Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system contains the name of the beneficiary on whose account an overpayment has been made and the name of the physician or supplier to whom the overpayment was made.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file includes completed Medicare claims forms which contain patient's name, sex, claim number, address, date

of birth, date of treatment, diagnosis, and summary of treatment rendered as well as other documents that were used in calculating the existence and amount of overpayment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1870 of the Social Security Act (42 U.S.C. 1395gg) and Section 3 of the Federal Claims Collection Act of 1966, 30 U.S.C. 952.

PURPOSE(S):

To provide documentation and to control cases involving Medicare beneficiary overpayments which are not collectible.

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

Disclosure may be made: (1) to the Department of Justice when civil litigation is involved, (2) to the Internal Revenue Service for investigation of alleged tax fraud, (3) to Professional Standards Review Organizations and State Licensing Boards for review of unethical practices or non-professional conduct. (Further, HCFA may request a credit report on certain physicians or suppliers from whom repayment of an overpayment is requested.) (4) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual; and (5) in the event of litigation where the defendant is (a) the Department, any components of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper files maintained in file cabinets.

RETRIEVABILITY:

The system is indexed by health insurance number.

SAFEGUARDS:

Only authorized personnel are permitted in the file area.

RETENTION AND DISPOSAL:

The files are retained for 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Blvd., Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager named above and directed to the attention of the Office of Standards and Performance Evaluation, Division of Reimbursement, Recovery, and Reconsideration Evaluation, Reconsideration Evaluation Branch.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Data in these records is obtained from carrier or intermediary billing records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0505

SYSTEM NAME:

Supplemental Medical Insurance Accounting Collection and Enrollment System. HHS/HCSA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Health insurance beneficiaries whose supplementary medical insurance

benefit and/or hospital insurance benefit premiums are paid by a third party; a State welfare agency, the U.S. Office of Personnel Management or a private organization.

CATEGORIES OR RECORDS IN THE SYSTEM:

Beneficiary's name, health insurance claim number, date of birth, sex, amount of premium liability, date agency first became liable for HIB (Health Insurance Benefit) of SMIB (Supplemental Medical Insurance Benefit) premiums, last month of agency premium liability, agency identification numbers, Civil Service annuity number for U.S. Office of Personnel Management recipients.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1840 (d) and (e) and 1843 of title XVIII of the Social Security Act (42 U.S.C. 1395s (d) and (e) and 1395v).

PURPOSE(S):

To process changes to HI/SMI premium payments by third parties (such as State agencies, private groups, Office of Personnel Management) on behalf of Medicare beneficiaries; for billing third parties; and for enrolling individuals for SMI coverage under State buy-in agreements.

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

Disclosure may be made to: (1) State welfare departments pursuant to agreements with the Department of Health and Human Services for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act. (2) a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual, and (3) in the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

Magnetic tape, microfilm.

RETRIEVABILITY:

The system is indexed by health insurance claim number.

SAFEGUARDS:

Only authorized personnel have direct access to information in the Third-Party Master Record. In addition, all personnel are advised that this information is confidential.

RETENTION AND DISPOSAL:

Tape records are retained for 90 days, filed for 1 year, then erased. Correspondence files are retained for 1 year, then discarded. Monthly microfilm records are destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager named above and directed to the attention of the Office of Methods and Systems, Division of Eligibility Systems. The individual should furnish his or her health insurance claim number and name as shown on Medicare records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (The access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained from third-party agencies, the Social Security Administration, Master Beneficiary Record, and the Health Insurance Master Record.

09-70-0506

SYSTEM NAME:

Group Health Plan System HHS,
HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing
Administration, Bureau of Support
Services, 6325 Security Boulevard,
Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Part A (Hospital
Insurance) and Part B (supplementary
medical) Medicare services.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information
about a beneficiary's health insurance
entitlement and supplementary medical
benefits usage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1833(a)(1)(A), 1866 and 1876
of Title XVIII of the Social Security Act
(42 U.S.C. 1395(a)(1)(A), 1395cc, and
1395mm).

PURPOSE(S):

To maintain a master file of Group
Health Plan members for accounting
control; to expedite the exchange of
data with the Group Health Plans; and
to control the posting of pro-rata
amounts to the Part B deductible of
currently enrolled Group Health Plan
members.

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

Disclosure may be made: (1) To a
congressional office from the record of
an individual in response to an inquiry
from the congressional office made at
the request of that individual. (2) In the
event of litigation where the defendant
is (a) the Department, any component of
the Department, or any employee of the
Department in his or her official
capacity; (b) the United States where
the Department determines that the
claim, if successful, is likely to directly
affect the operations of the Department
or any of its components; or (c) any
Department employee in his or her
individual capacity where the Justice
Department has agreed to represent
such employee, the Department may
disclose such records as it deems
desirable or necessary to the
Department of Justice to enable that
Department of present an effective
defense, provided such disclosure is

compatible with the purpose for which
the records were collected.

(3) To an individual or organizations
for a research, evaluation, or
epidemiological project related to the
prevention of disease or disability, or
the restoration or maintenance of health
if HCFA:

a. Determines that the use or
disclosure does not violate legal
limitations under which the record was
provided, collected, or obtained;

b. Determines that the purpose; for
which the disclosure is to be made:

(1) Cannot be reasonably
accomplished unless the record is
provided in individually identifiable
form.

(2) Is of sufficient importance to
warrant the effect and/or risk on the
privacy of the individual that additional
exposure of the record might bring, and

(3) There is reasonable probability
that the objective for the use would be
accomplished;

c. Requires the information recipient
to:

(1) Establish reasonable
administrative, technical, and physical
safeguards to prevent unauthorized use
or disclosure of the record, and

(2) Remove or destroy the information
that allows the individual to be
identified at the earliest time at which
removal or destruction can be
accomplished consistent with the
purpose of the project, unless the
recipient presents an adequate
justification of a research or health
nature for retaining such information,
and

(3) Make no further use or disclosure
of the record except:

(a) In emergency circumstances
affecting the health or safety of any
individual,

(b) For use in another research
project, under these same conditions,
and with written authorization of HCFA,

(c) For disclosure to a properly
identified person for the purpose of an
audit related to the research project, if
information that would enable research
subjects to be identified is removed or
destroyed at the earliest opportunity
consistent with the purpose of the audit,
or

(d) When required by law;

d. Secures a written statement
attesting to the information recipient's
understanding of an willingness to abide
by these provisions.

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

Magnetic tape and paper listing.

RETRIEVABILITY:

The system is indexed by health
insurance claim number.

SAFEGUARDS:

Only authorized personnel have direct
access to information in the Group
Health Plan system. In addition, Group
Health Plan personnel are advised that
information is confidential.

RETENTION AND DISPOSAL:

Health insurance materials used to
support the accuracy of the charge per
service billed by the plan are retained
for 3 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing
Administration, Director, Bureau of
Program Operations, 6325 Security
Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system
records should be addressed to the
system manager named above and
directed to the attention of the Group
Health Plan Operations Staff. The
individuals should furnish his or her
health insurance claim number as
shown on social security records.

RECORD ACCESS PROCEDURE:

Same as notification procedures.
Requesters should also reasonably
specify the record contents being sought.
(These access procedures are in
accordance with Department
Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address
specified under notification procedures
above, and reasonably identify the
record and specify the information to be
contested. State the corrective action
sought and the reasons for the
correction with supporting justification.
(These procedures are in accordance
with Department Regulations (45 CFR
5b.7).))

RECORD SOURCE CATEGORIES:

The identifying information contained
in these records is obtained from the
group health plans (which obtained the
data from the individual concerned).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0507

SYSTEM NAME:

Health Insurance Utilization
Microfilm HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing
Administration, Bureau of Support
Services, 6325 Security Boulevard,
Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained of all
transactions for individuals who are
entitled or have entitled to Medicare
benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains transactions
accepted or rejected, and the reason for
such rejection. Transactions are
maintenance type as well as utilization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1814 and 1833 of Title XVIII of
the Social Security Act (42 U.S.C. 1395f
and 1395l).

PURPOSE:

To provide a history file of
chronological transactions that can be
referenced to verify beneficiary
entitlement to Medicare benefits.

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

Disclosure may be made: (1) to a
congressional office from the record of
an individual in response to an inquiry
from the congressional office made at
the request of that individual. (2) In the
event of litigation where the defendant
is (a) the Department, any component of
the Department, or any employee of the
Department in his or her official
capacity; (b) the United States where
the Department determines that the
claim, if successful, is likely to directly
affect the operations of the Department
or any of its components; or (c) any
Department employee in his or her
individual capacity where the Justice
Department has agreed to represent
such employee, the Department may
disclose such records as it deems
desirable or necessary to the
Department of Justice to enable that
Department to present an effective
defense, provided such disclosure is
compatible with the purpose for which
the records were collected.

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

Microfilm.

RETRIEVABILITY:

The system is indexed by health
insurance claim number. It is used
primarily to document the Health
Insurance master file and to respond to
inquiries. The Health Insurance
Utilization Microfilm is the history
(audit) trail of Hospital Insurance/
Supplementary Medical Insurance.

SAFEGUARDS:

Requests for microfilm must be
submitted to the Bureau of Support
Services, HCFA.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing
Administration, Director, Bureau of
Program Operations, 6325 Security
Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system
records should be addressed to the
system manager named above. The
individual should furnish his or her
health insurance claim number and
name as shown on social security
records.

RECORD ACCESS PROCEDURES:

The individual can obtain information
on the procedures for gaining access to
and contesting records from the most
convenient social security office or from
the system manager named above.
Requesters should also reasonably
specify the record contents being sought.
(These access procedures are in
accordance with Department
Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address
specified under notification procedures
above, and reasonably identify the
record and specify the information to be
contested. State the corrective action
sought and the reasons for the
correction with supporting justification.
(These procedures are in accordance
with Department Regulations (45 CFR,
5b.7).))

RECORD SOURCE CATEGORIES:

The identifying information contained
in these records is obtained by the
provider of services from the individual,
from the individual himself or herself, or
from suppliers of services (e.g.,
physicians).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0508

SYSTEM NAME:

Reconsideration and Hearing Case
Files (Part A) Hospital Insurance
Program HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing
Administration, Bureau of Program
Operations, Office of Standards and
Performance Evaluation, Division of
Reimbursement, Recovery and
Reconsideration Evaluation,
Reconsideration Evaluation Branch,
6325 Security Boulevard, Baltimore,
Maryland 21207.

and Washington National Records
Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals dissatisfied with an initial
or reconsidered determination as to the
amount of benefits payable on the
beneficiary's behalf under the hospital
insurance program who have filed either
an expressed or implied request for
reconsideration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reconsideration development and
case summary; Part A—review action;
complaint sheet; Request for Hearing;
Request for Reconsideration of Part A
Health Insurance Benefits; and
comparable forms and evidence
furnished by beneficiaries or their
representatives, intermediary action,
correspondence, reconsideration
determination, Administrative Law
Judges' decisions, original bills, Appeals
Council decisions and related
correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1812, 1814, 1816, and 1869 of
Title XVIII of the Social Security Act (42
U.S.C. 1395d, 1395f, 1395h, and 1395ff).

PURPOSE(S):

To maintain Part A reconsideration
claims file history for possible further
appeal actions and for monitoring
intermediary performance on a sample
basis.

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

Disclosure may be made: (1) To a
congressional office from the record of
an individual in response to an inquiry
from the congressional office made at
the request of that individual. (2) In the
event of litigation where the defendant

is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records maintained in open-shelf file cabinets.

RETRIEVABILITY:

The system is indexed by health insurance claim number.

SAFEGUARDS:

The file is closed to unauthorized personnel. Disclosure of records is limited to routine uses.

RETENTION AND DISPOSAL:

Records are placed in inactive file when final action is taken on the case and closed out at the end of the calendar year in which final action was taken. They are held 1 additional year, transferred to the Washington National Records Center and destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Blvd., Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager named above. The individual should furnish his or her health insurance claim number and name as shown on social security records. The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from the system manager named above.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

(These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the system manager named above and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR, 5b.7).)

RECORD SOURCE CATEGORIES:

The information contained in these records is furnished by the beneficiary, his or her representative, or other person requesting a review of the claim and from the reviewing authority (the supplementary health insurance carrier).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0509

SYSTEM NAME:

Medicare Beneficiary Correspondence Files HHS, HCFA, BPO.

SECURITY CLASSIFICATION

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries and others including Congressional offices and the White House, who correspond with the Health Care Financing Administration, Bureau of Program Operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence containing operations related inquiries, complaints, or suggestions received by the Social Security Administration Central Office, and Health Care Financing Administration Central Office or correspondence referred by other Government agencies. Correspondence may contain requests under the Freedom of Information Act when the requests' concerns are under the jurisdiction of the HCFA Bureau of Program Operations (BPO).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1874 of Title XVIII of the Social Security Act (42 U.S.C. 1395kk).

PURPOSE(S):

Serves as documentation of actions with respect to each inquiry and to assist in responding to simultaneous and subsequent inquiries. Assist BPO staff in analyzing correspondence, in researching needed material, and in identifying major problems and conflicts in existing BPO policy, procedures, and practices.

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

(1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records maintained in file cabinets.

RETRIEVABILITY:

The system is indexed alphabetically, using the last name of the beneficiary and/or by designated batch number. It is used to control correspondence in connection with Medicare.

SAFEGUARDS:

The file area is closed to unauthorized personnel.

RETENTION AND DISPOSAL:

Correspondence for congressional inquiries is destroyed 1 year after the close of the year in which the records are dated; other correspondence is destroyed within 30 days of completion except where records are required to document a specific claim, reconsideration, appeal, or similar case, the files are treated in accordance with the instructions for the specific file.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing
Administration, Director, Bureau of
Program Operations, 6325 Security
Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for records
should be directed to the same address
as that with which the correspondence
was initiated. The individual can obtain
information on the procedures for
gaining access to and contesting records
from the system manager named above.

RECORD ACCESS PROCEDURES:

Same as notification procedures.
Requesters should also reasonably
specify the record contents being sought.
(These access procedures are in
accordance with Department
Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named
above, and reasonably identify the
record and specify the information to be
contested. State the corrective action
sought and the reasons for the
correction with supporting justification.
(These procedures are in accordance
with Department Regulations (45 CFR
5b.7).)

RECORD SOURCE CATEGORIES:

The initial correspondence in these
records is prepared by the beneficiary or
other inquirers; the response is prepared
by the appropriate Health Care
Financing Administration component.

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

None.

09-70-0510

SYSTEM NAME:

Alphabetical Name File (folder) of
Health Insurance Program Consultants
HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing
Administration, Bureau of Program
Operations, 6325 Security Boulevard,
Baltimore, Maryland 21207.

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

Individuals who have contracted to
provide consultant services to the
Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each folder contains the consultant's
name, social security number, mailing
address, city and state, ZIP Code; total

amount of the consultant's contract and
the amount of money billed each month
for his or her service.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

Social Security Act, Section 1874(b)
(42 U.S.C. 1395kk(b)).

PURPOSE(S):

To maintain an accounting of
consultant contractors.

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

Disclosure may be made: (1) To a
congressional office from the record of
an individual in response to an inquiry
from the congressional office made at
the request of that individual. (2) In the
event of litigation where the defendant
is (a) the Department, any component of
the Department, or any employee of the
Department in his or her official
capacity; (b) the United States where
the Department determines that the
claim, if successful, is likely to directly
affect the operations of the Department
of any of its components; or (c) any
Department employee in his or her
individual capacity where the Justice
Department has agreed to represent
such employee; the Department may
disclose such records as it deems
desirable or necessary to the
Department of Justice to enable that
Department to present an effective
defense provided such disclosure is
compatible with the purpose for which
the records were collected.

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

File Folder.

RETRIEVABILITY:

Name—Comparing actual
expenditures against budget.

SAFEGUARDS:

Office is locked during nonworking
hours.

RETENTION AND DISPOSAL:

Retain 1 year, then discard.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing
Administration, Office of Management
and Budget, Office of Human Resources
and Administrative Services, 6325
Security Boulevard, Baltimore,
Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for systems
records should be addressed to the
social security office nearest the

requester's residence, the appropriate
intermediary, the HCFA Regional Office,
or the system manager named above.
The individual should furnish his or her
health insurance number and name as
shown on social security records. (These
notification and access procedures are
in accordance with Department
Regulations (45 CFR 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures.
Requesters should also reasonably
specify the record contents being sought.
(These access procedures are in
accordance with Department
Regulations (45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named
above and reasonably identify the
record and specify the information to be
contested. State the corrective action
sought and the reasons for the
correction with supporting justification.
(These procedures are in accordance
with Department Regulations (45 CFR
5b.7).)

RECORD SOURCE CATEGORIES:

Original contracts and monthly
billings.

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

None.

09-70-0512

SYSTEM NAME:

Review and Fair Hearing Case Files—
Supplementary Medical Insurance
Program, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Carriers (see Appendix C, Section 4)
and Federal Records Centers.

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

Beneficiary, physician, provider or
other supplier of service who is
dissatisfied with the carrier's
determination denying a request for
payment, or with the amount of the
payment or with the length of time being
taken to process the claim for payment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claimants' requests for review,
relevant written statement of evidence,
notice of adverse informal review
decisions, requests for hearings to
protest adverse decisions, hearings
proceedings, hearings officers' final
decisions and comparable papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1812 and 1842 of Title XVIII of the Social Security Act (42 U.S.C. 1395d and 1395u).

PURPOSE(S):

To maintain a file for reviewing determinations of Medical insurance claims and related material.

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

Disclosures may be made: (1) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are maintained in file cabinets.

RETRIEVABILITY:

The records are indexed by health insurance claim number.

SAFEGUARDS:

Disclosure of records is limited to routine uses. The files are closed to unauthorized personnel.

RETENTION AND DISPOSAL:

Records are closed out at the end of the calendar year in which the action (reconsideration, hearing, court review) is completed, held 2 more years, transferred to Federal Records Center and destroyed after another 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for records should be directed to the most convenient social security office or to the system manager named above. The individual should furnish his or her health insurance claim number and name as shown on social security records. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR 5b.6).)

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

The information contained in these records is furnished by the beneficiary requesting reconsideration or his or her authorized representative and from the reviewing authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0513

SYSTEM NAME:

Explanation of Medicare Benefit Records HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Intermediaries and carriers (see Appendix C, Sections 3 and 4) and Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All recipients of Medicare Part B services and supplies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medicare supplemental insurance benefits record, Part B home health insurance benefits record. These are explanations of Medicare benefits. They also advise beneficiaries of supplementary medical insurance deductible status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 226, 1811, and 1832 of Title XVIII of the Social Security Act (42 U.S.C. 405, 426, 1395c, and 1395k).

PURPOSE(S):

To maintain a file of Explanations of Medicare benefits sent to beneficiaries advising them of Medicare payments made on their behalf, and whether the various deductible requirements have been satisfied.

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

Disclosure may be made: (1) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Copies of forms sent to beneficiaries are retained in file cabinets.

RETRIEVABILITY:

The records are indexed by health insurance number. These records are used to advise the beneficiary of the payments made on his or her behalf and whether the various deductibles have been satisfied.

SAFEGUARDS:

Disclosure of records is limited. The file area is closed to unauthorized personnel.

RETENTION AND DISPOSAL:

Closed out at the end of the year in which the benefit was paid or denied; held 1 year, transferred to the Federal Records Center where record is destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Blvd., Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office (see Appendix F), or to carrier or intermediary who issued the notice.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information is furnished by the beneficiary when requesting payment; the medical procedures are furnished by the physician or provider and the amount of payment and remaining benefits are furnished by the intermediary or carrier.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0516

SYSTEM NAME:

Medicare Physician Supplier Master File HHS/HCF/A/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Carriers under contract to the Health Care Financing Administration and the

Social Security Administration. (See Appendix C, Section 4.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians and suppliers who provide medical services or supplies to Medicare beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

A compilation of all charges submitted by a physician or supplier for services and supplies to: (1) Derive "reasonable charge" information; (2) determine economic indexes; and (3) to substantiate the basis for payment to beneficiaries, physicians, suppliers and hospitals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1833, 1835, 1842 and 1874 of title XVIII of the Social Security Act (42 U.S.C. 1395f, 1395n, 1395u, and 1395kk).

PURPOSE(S):

To determine health care reasonable charges and the geographical area prevailing charges.

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

Records from this system may be disclosed (1) to a provider, the claimant or a prospective claimant, the name of a physician who has been found ineligible to submit claims under Section 1814(h) (Payment for Posthospital Extended Care Services) or Section 1814(i) (Payment for Posthospital Home Health Services) of Title XVIII of the Social Security Act. (2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (3) Disclosure may be made to the title XIX State agency or the title XIX fiscal agents of the customary and prevailing charge screens and whatever other information is contained in the file and would be required to determine "reasonable charges" as required under section 103(i)(1) of the Social Security Act. (4) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the

Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are maintained on magnetic tape, microfilm, and hard copy paper.

RETRIEVABILITY:

The records are indexed by physician provider numbers and supplier EIN (employer's identification number). The records are prepared and updated daily by carriers as a basis for determining reasonable charges and area prevailing charges.

SAFEGUARDS:

Disclosure of records is limited to carrier personnel on a need-to-know basis. The files are closed to unauthorized personnel. The determination as to which personnel are authorized will vary slightly in different carrier installations. All carriers have guards at the building entrance to prevent intrusion by individuals not employees or not having business with the carrier. One or more of the following security measures are used within the building: color coded identification cards are used to establish the right of an employee to be in a specific area; cipher locks are used to protect files and computer areas; magnetic identification cards are used to gain access to security sensitive areas; video monitoring of sensitive areas is constant.

RETENTION AND DISPOSAL:

Records are closed out the first quarter following the close of the previous calendar year. Files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration Director, Bureau of Program Operation, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for records information should be directed to the carrier servicing the physician's or supplier's geographical area. Individuals who want to determine if they have a record in this system must provide their full name and address.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should reasonably specify the record contents being sought. (These

access procedures are in accordance with Department regulations (45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the Systems Manager at the address specified above and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations, 45 CFR 5b.7.)

RECORD SOURCE CATEGORIES:

Information contained in these records is furnished in part by the individual physicians or supplier and in part abstracted from Medicare Part B billing records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-07-0517

SYSTEM NAME:

Physician/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payments) HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Carriers and intermediaries under contract to the Health Care Financing Administration and the Social Security Administration (see Appendix C, Section 3, and Section 4.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physician/suppliers to whom Medicare payments have been made by carriers of intermediaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

A record of total Medicare payments made to physicians and suppliers during each calendar year. It contains the name, address and social security number of the physician/provider number of supplier EIN (employer identification number).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 6041 (Internal Revenue Code).

PURPOSE(S):

For periodic reporting to the IRS.

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

Disclosure may be made to: (1) This record is disclosable to the Internal

Revenue Service in connection with the determination of the individual's self-employment income. (2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records are maintained on magnetic tape and paper.

RETRIEVABILITY:

The system is indexed by physician/provider number and supplier EIN (employer's identification numbers).

SAFEGUARDS:

Records are maintained in secure storage areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

The records are retained for 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for systems records should be directed to the intermediary or carrier who made Medicare payments to the physician/supplier.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

The record of total annual payments made to each physician/supplier is derived from the individual Medicare bill payments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0518

SYSTEM NAME:

Medicare Clinic Physician Supplier Master File, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration. (See Appendix C, Section 4.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians and suppliers in a clinic who provide medical services or supplies to Medicare beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

A compilation of all charges submitted by a clinic physician or supplier for services or supplies to (1) derive "reasonable charge" information; (2) determine economic indexes; and (3) to substantiate the basis for payment to beneficiaries, physicians suppliers, and hospitals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1833, 1835, 1842 and 1874 of title XVIII of the Social Security Act (42 U.S.C. 1395l, 1395n, 1395u, and 1395kk).

PURPOSE(S):

To determine Medicare reimbursement rates from physician and supplier charge patterns.

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

Disclosure may be made to: (1) Professional Standards Review Organizations and State Licensing Boards for review of unethical practices

or nonprofessional conduct; (2) A HCFA contractor for research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA.

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring; and
(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research of health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual.

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(3) HCFA health insurance program review teams; (4) a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual; (5) in the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the

Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained on magnetic tape, microfilm, and hard copy paper.

RETRIEVABILITY:

The records are indexed for individual identification by clinic physician provider numbers and supplier EIN (employer's identification number). The records are prepared and updated daily by carriers as a basis for determining reasonable charges and area prevailing charges.

SAFEGUARDS:

Disclosure of records to carrier personnel is limited to a need-to-know basis. The files are closed to unauthorized personnel. The determination as to which personnel are authorized will vary slightly in different carrier installations. All carriers have guards at the building entrance to prevent intrusion by individuals not employees or not having business with the carrier. One of more of the following security measures are used within the building: Color coded identification cards are used to establish the right of an employee to be in a specific area; cipher locks are used to protect files and computer areas; magnetic identification cards are used to gain access to security sensitive areas; videomonitoring of sensitive areas is constant.

RETENTION AND DISPOSAL:

Records are closed out the first quarter following the close of the previous year. Files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for records information should be directed to the carrier servicing the clinic physician's or supplier's geographical area. Individuals who want to determine if they have a record in this system must provide their full name and address.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations, 45 CFR 5b.7.)

RECORD SOURCE CATEGORIES:

Information contained in these records is furnished in part by the individual clinic physician or supplier and in part abstracted from Medicare part B billing records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0520

SYSTEM NAME:

End Stage Renal Disease (ESRD) Program Management and Medical Information System (Registry) HHS, HCFA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, Office of Administrative Systems, Division of Program Management Systems, ESRD Systems Branch, 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons with end-stage renal disease who receive Medicare benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health and medical record data; Medicare billing information including charges and amounts reimbursed; physician characteristics; demographic data on beneficiaries; survival

characteristics on some successful transplant patients beyond the entitlement period; ESRD facility approval data; ESRD facility demographic characteristics; ESRD facility cost information; and ESRD facility treatment surveys.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 226A, 1875, and 1881 of the Social Security Act (42 U.S.C. 426-1, 1395f, and 1395rr.).

PURPOSE:

To meet and operationalize statutory requirements, of Sec. 2991, Pub. L. 92-603; to support State and local ESRD programs and legislative requirements; and to support Federal research and public service programs and effective State, local and other planning activities.

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

Disclosure may be made to: (1) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

(2) Organizations deemed qualified by the Health Care Financing Administration to carry out quality assessment, medical audits of utilization review.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(4) A record from this system of records may be disclosed as a "routine use" to a recipient for a research purpose, if the Department:

- Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;
- Determines that the research purpose for which the disclosure is to be made—(1) cannot be reasonably accomplished unless the record is provided in individually identifiable

form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

c. Requires the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

d. Secures a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

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

STORAGE:

Electronic medium; selected hard copy backup, and microfilm.

RETRIEVABILITY:

Data indexed by Health Insurance Claim number, patient name and facility number. Individual patient and statistical data provided to Health Care Financing Administration, the National Institutes of Health and local Medical Review Boards, statistical data provided to other governmental units and the general public.

SAFEGUARDS:

Restricted access to all areas where data are maintained and processed, hard copy data stored in locked files in secured area, terminal access controlled by user ID and keywords. Access to personal data restricted to those authorized to work with those data. For computerized records, safeguards established in accordance with DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Hard copy destroyed after 1 year by shredding; all other information maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Support Services, HCFA, Office of Administrative Systems, Division of Program Management Systems, ESRD Branch, 6325 Security Boulevard, Baltimore, Maryland 21207

NOTIFICATION PROCEDURE:

Same as system manager. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Applications for Medicare, ESRD medical evidence reports, patient records at ESRD treatment facilities, death notifications, Health Care Financing Administration Medicare Master Files, aggregate ESRD facility treatment surveys; ESRD facility cost information; and ESRD facility approval characteristics.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0521

SYSTEM NAME:

Medicare Beneficiary Claims for Emergency Services HHS, HCFA, BPO

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration
Regional Offices (see Appendix C,
Section 2.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries who file for
Medicare Part A emergency claim
reconsideration desiring coverage of
nonparticipating hospital charges.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical information and associated
charge data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Sections 1814 (d)
and (f) (42 U.S.C. 1395f (d) and (f)).

PURPOSES:

To determine whether services were
medically necessary on an emergency
basis.

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

Disclosure may be made: (1) To a
congressional office from the record of
an individual in response to an inquiry
from the congressional office made at
the request of that individual, (2) In the
event of litigation where the defendant
is (a) the Department, any component of
the Department, or any employee of the
Department in his or her official
capacity; (b) the United States where
the Department determines that the
claim, if successful, is likely to directly
affect the operations of the Department
or any of its components; or (c) any
Department employee in his or her
individual capacity where the Justice
Department has agreed to represent
such employee, the Department may
disclose such records as it deems
desirable or necessary to the
Department of Justice to enable that
Department to present an effective
defense, provided such disclosure is
compatible with the purpose for which
the records were collected.

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

File folders, log book-in emergency
claims file drawers.

RETRIEVABILITY:

The system is indexed by health
insurance claim number.

SAFEGUARDS:

Records are in locked file drawers.
Personnel are instructed on information
confidentiality. Access to claim folders
restricted to authorized personnel.

RETENTION AND DISPOSAL:

Number of years held at HCFA:
information file folders are held one
week to six months before being
returned to originating source. Other
records kept indefinitely. Number of
years held at Federal Records Center
before disposal: not applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration
Director, Bureau of Program Operations,
6325 Security Blvd., Baltimore, Md.
21207

NOTIFICATION PROCEDURE:

Same as system manager. An
individual who requests notification of
or access to a medical/dental record
shall, at the time the request is made,
designate in writing a responsible
representative who will be willing to
review the record and inform the subject
individual of its contents at the
representative's discretion. (These
notification and access procedures are
in accordance with Department
Regulations (45 CFR 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures.
Requesters should also reasonably
specify the record contents being sought.
(These access procedures are in
accordance with Department
Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named
above, and reasonably identify the
record and specify the information to be
contested. State the corrective action
sought and the reasons for the
correction with supporting justification.
(These procedures are in accordance
with Department Regulations (45 CFR
5b.7).)

RECORD SOURCE CATEGORIES:

Medicare claims forms and supporting
information; portions of medical records
from nonparticipating hospitals; other
pertinent medical and emergency room
records; physician statements;
statements of HHS personnel authorized
to handle the claims; information and
requests from representatives of the
beneficiaries for reconsideration of
claims decisions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0522

SYSTEM NAME:

Billing and Collection Master Record
System HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bureau of Program Operations, HCFA,
6325 Security Blvd., Baltimore, Maryland
21207

Bureau of Support Services, HCFA,
6325 Security Blvd., Baltimore, Maryland
21207

Office of User Requirements and
Validations, SSA, 6401 Security Blvd.,
Baltimore, Maryland 21235.

Social Security Administration
Program Service Centers

Division of International Operations
(see Appendices A and B at the end of
the notices for the Social Security
Administration)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records of all
retirement, survivors, disability, or
health insurance beneficiaries entitled
to hospital insurance and/or
supplementary medical insurance who
are, or have been, subject to direct
billing for insurance premiums. This
includes individuals who: (1) are
currently being billed directly for
insurance premiums; and (2) are not
currently in direct billing status but have
either a premium arrearage (or
overpayment) of record or were at one
time in direct billing status. It does not
contain a record of any hospital or
supplementary medical insurance
enrollee who has had premiums
deducted from monthly benefits or paid
through a third party payer arrangement
continuously from the initial month of
entitlement.

CATEGORIES OF RECORDS IN THE SYSTEM:

It contains identifying information as
well as information regarding
entitlement to hospital or supplementary
medical insurance, current address
information, individual records of
premium, payments, premium
adjustments, refunds of excess
payments, and current amounts due.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1840(e) and 1871 of the Social
Security Act (42 U.S.C. 1395s(e) and
1395hh).

PURPOSE(S):

To provide a master record of billing
and collection for all retirement,
survivors, disability, and health
insurance beneficiaries entitled to
hospital insurance and/or
supplementary medical insurance who
are, or have been, subject to direct
billing for Medicare insurance

premiums. Monthly record updates are provided to the Social Security Administration.

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

Disclosure may be made: (1) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

(3) To a "lock box" contractor. An extract of this file (name, address, claim numbers, premium liability, period of liability, and termination date, when necessary) will be provided in order to (a) print and release the Medicare premium bills, (b) process the returned remittance in a secure "lock box" operation, and (c) prepare a transaction tape for transmission to HCFA. ("Lock box" is a remittance process performed under security to assure non-access to remittance information by unauthorized personnel or the public.)

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

STORAGE:

Primary record storage is by magnetic tape and disk. Monthly updates of the record are also provided to the Social Security Administration in microform records.

RETRIEVABILITY:

Magnetic tape, disk and microform records are indexed by social security number, or claim account numbers, it is used to: (1) generate monthly and quarterly premium billing notices; (2) record and process premium payments and adjustments; (3) refund excess premium payments; (4) terminate hospital and/or supplementary medical insurance coverage for non-payment of premiums; (5) reverse termination

actions; (6) maintain a history of premium payments, adjustments, or other events which alter the billing status; and (7) provide up-to-date premium and billing information to Health Care Financing Administration and Social Security Administration clerical and electronic operations. Information is used to respond to specific beneficiary inquiries or to facilitate the proper adjustment of social security benefit payments. Information is also accessed electronically by social security benefit programs for the proper adjustment of payment amounts.

SAFEGUARDS:

Magnetic tape, and disk records are protected through standard security measures used for all of Social Security Administration's computer records: microform records are subject to the same rules and security as all other information in Social Security Administration relating to claims and beneficiary records: limited access to Social Security Administration offices; limited employee access to need to know.

RETENTION AND DISPOSAL:

Microfilm and tape records can routinely be sent to the Federal Records Center after 2 years. However, since this record is updated monthly, even though the physical records are released to the Federal Records Center, current record will contain full history of all transactions. An inactive tape file, i.e., a file containing the records of cases where the enrollee has died, been in payment status for 2 or more years, etc., is maintained in each program service center. This file currently has no disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Program Operations, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

In order to ascertain whether or not this system contains information about him/her, an individual should contact the most convenient social security office and provide health insurance claim number as shown on Medicare health insurance card.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These access procedures are in accordance with DHHS Regulations, 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. These procedures are in accordance with DHHS Regulations, 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

The identification and entitlement/termination information for this system is extracted from Social Security Administration's Master Beneficiary Record. All other information is compiled from the individual's premium billing and payment histories.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-1504

SYSTEM NAME:

Physical Therapists Proficiency Answer Sheets and Test Results (Medicare) HHS/HCFA/HSQB.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Test Results: Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207 and Regional Federal Records Center.

Answer Sheets: Psychological Corporation, 757 3rd Avenue, New York, N.Y. 10017.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physical Therapists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer Sheets. Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Section 1123 (42 U.S.C. 1320a-2).

PURPOSE(S):

Upon written request, to reissue a new card to those who pass the physical therapist proficiency test, for reasons such as change of name or loss of a card, or to provide information to examinees concerning their test results.

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

(1) Answer sheets are used to score results of the examination and if applicable to revalidate results. Lists showing by States the names and addresses of individuals who passed or

failed are sent to Regional Health Care Financing Administrators, HCFA Regional Offices. They are instructed to make the lists available to the appropriate State Health Department. (2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Computer generated listings are filed by discipline, by State, in file folders.

RETRIEVABILITY:

Listings and answer sheets are by examination, State, examinee's name and address, and examination number.

SAFEGUARDS:

Files are maintained in a combination lock file cabinet, in a secured building. For computerized records, safeguards are established in accordance with Department guidelines in the DHHS ADP System Manual, Part 6, "ADP Systems Security," (e.g., security codes) and will be used limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Lists are to be retained through FY 1981. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by incineration or shredding. Answer sheets are retained until completion of contract and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Health Standards and Quality Bureau, Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207.

NOTIFICATION PROCEDURE:

Same as system manager.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the

correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Scored Examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-1505

SYSTEM NAME:

Psychiatric Technician Proficiency Answer Sheets and Test Results (Medicare) HHS/HCFA, HSQB

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Test Results: Health Standards and Quality Bureau, HCFA, Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207 and Regional Federal Records Center.

Answer Sheets: National League of Nursing, 10 Columbus Circle, New York, N.Y. 10019.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Psychiatric technicians.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer sheets Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Section 1123 (42 U.S.C. 1320a-2).

PURPOSE(S):

Upon written request, to reissue a new card to those who pass the psychiatric technician proficiency test, for reasons such as change of name or loss of a card, and to provide information to examinees concerning their test results.

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

(1) Lists showing by States the names and addresses of individuals who passed or failed are sent to Director, Health Standards Quality Bureau. They are instructed to make the lists available to the appropriate State Health Department. (2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Computer generated listings are filed by discipline, by State, in file folders.

RETRIEVABILITY:

Listings and answer sheets are by examination, State, examinee's name and address, and examination number.

SAFEGUARDS:

Files are maintained in a combination lock file cabinet in a secured building. For computerized records, safeguards established in accordance with DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Lists are to be retained through FY 1981. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy by incineration or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Health Standards and Quality Bureau, Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207.

NOTIFICATION PROCEDURES:

Same as system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record content being sought (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Scored Examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-1507

SYSTEM NAME:

Waivered Licensed Practical Nurse Proficiency Exam Answer Sheets and Test Results (Medicare) HHS/HCFA/HSQB.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Test Results: Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207 and Regional Federal Records Center.

Answer Sheets: National League of Nursing, 10 Columbus Circle, New York, NY 10019.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensed Practical Nurses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Answer sheets. Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act Section 1123 (42 U.S.C. 1320a-2).

PURPOSE(S):

These answer sheets indicate examination results and the lists indicate only pass or fail, and are used to advise an individual concerning his or her test results, upon written request.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Uses—Answer sheets are used to score results of the examination and if applicable to revalidate results. Lists showing by States the names and addresses of individuals who passed or failed are sent to the Regional Health Care Financing Administrators, HCFA, Regional Offices. They are instructed to make the lists available to the appropriate State health Department. (2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Computer generated listings are filed by discipline, by State, in file folders.

RETRIEVABILITY:

Listings and answer sheets are by examination, State, examinee's name and address, and examination number.

SAFEGUARDS:

Files are maintained in a combination lock file cabinet, in a secured building. For computerized records, safeguards established in accordance with DHHS ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Lists are to be retained through FY 1981. They will then be filed at Federal Records Center for a period of three years. If at the expiration of that time the records are no longer of use, FRC will be authorized to destroy them by incineration or shredding. Answer sheets are retained until completion of contract and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Health Standards and Quality Bureau, Dogwood East Building, 6325 Security Boulevard, Baltimore, MD 21207.

NOTIFICATION PROCEDURE:

Same as system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department Regulations (45 CFR 5b.7)).

RECORD SOURCE CATEGORIES:

Scored examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-1509

SYSTEM NAME:

Complaint Files on Nursing Homes HHS/HCFA/HSQB/DLTC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Boston
Health Standards and Quality Division, HCFA HHS Region I,

Room 1301, John F. Kennedy Federal Office Building, Boston, Massachusetts 02203

New York

Health Standards and Quality Division, HCFA HHS Region II, Room 3821, 26 Federal Plaza, New York, New York 10007

Philadelphia

Health Standards and Quality Division, HCFA HHS Region III, P.O. Box 8450, 3535 Market Street, Philadelphia, Pennsylvania 19101

Atlanta

Health Standards and Quality Division, HCFA HHS Region IV, Room 523, 101 Marietta Tower, Atlanta, Georgia 30323

Chicago

Health Standards and Quality Division, HCFA HHS Region V, 175 West Jackson, Room 941, Chicago, Illinois 60604

Dallas

Health Standards and Quality Division, HCFA HHS Region VI, 23rd Floor, 1200 Main Tower Building, Dallas, Texas 75202

Kansas City

Health Standards and Quality Division, HCFA HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106

Denver

Health Standards and Quality Division, HCFA HHS Region VIII, 1961 Stout Street, Room 581, Denver, Colorado 80294

San Francisco

Health Standards and Quality Division, HCFA HHS Region IX, 21st Floor, 100 Van Ness Avenue, San Francisco, California 94102

Seattle

Health Standards and Quality Division, HCFA HHS Region X, Arcade Plaza, 1321 Second Avenue, Mail Stop 701, Seattle, Washington 98101

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who make complaints on nursing homes certified under Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence from complainant, copies of HHS response, or notation of referral to relevant State agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1861(j), 1864, and 1866 of Title XVIII and sections 1902(a)(9), (26), (28), and (33) of Title XIX of the Social Security Act. (42 U.S.C. 1395x(j), 1395aa,

1395cc, and 1396a(a)(9), (26), (28), and (33))

PURPOSE(S):

To maintain a file that documents action taken with respect to each complaint received.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Paper files.

RETRIEVABILITY:

Indexed alphabetically by name of complainant. Used by staff of the Health Standards and Quality Bureau to answer correspondence, to check on complaints, and to initiate corrective action as necessary. Statistical information submitted to HCFA, Baltimore.

SAFEGUARDS:

Authorized personnel only.

RETENTION AND DISPOSAL:

Retained two years or until complaint file closed, whichever is longer. Destroyed by shredding or incinerating.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration Director, Division of Long Term Care, Office of Standards and Certification, HSQB, 6325 Security Boulevard, Baltimore, MD 21207.

NOTIFICATION PROCEDURE:

Same as above. Individual should contact Regional Office serving State in which nursing home about which a complaint was filed is located.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance

with Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Letters from complainants, state agencies handling follow-up, staff investigative reports on nursing home.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-1510

SYSTEM NAME:

Professional Qualification Files, HHS/HCFA/HSQB.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

(1) HCFA Regional Directors (See Appendix C, Sect. 2).

(2) The State Agencies listed below for the indicated file categories:

Bureau of Licensing and Certification, 654 State Office Building, Montgomery, AL 36130 (1)(2)(9).

Department of Health and Social Services, Pouch H, Space H 06-G, Juneau, AK 99811 (1)(2).

LBJ Tropical Medical Center, Government of American Samoa, Pago Pago, American Samoa 96799 (1).

Department of Health Services, 1740 West Adams, Phoenix, AZ 85007 (1)(2)(3).

Hospital Division, Department of Health, 4815 West Markham, Little Rock, AR 72201 (1)(2).

Department of Health, 714 P Street, Sacramento, CA 95814 (1)(3).

Colorado Department of Health, 5210 East 11th Street, Denver, CO 80220 (1)(2)(11).

State Department of Health, 79 Elm Street, Hartford, CT 06115 (1)(16).

Division of Public Health, 3000 Newport Gap Pike, Wilmington, Delaware 19808 (1)(2)(3).

Department of Health and Rehabilitative Services, P.O. Box 210, Jacksonville, FL 32231 (1)(3).

Standards License Unit, 618 Ponce de Leon Avenue, NE., Atlanta, GA 30308 (1)(2)(3)(8).

Department of Health and Social Services, P.O. Box 2816, Agana, Guam 96910 (1).

State Department of Health, P.O. Box 3378, Honolulu, HI 96801 (1)(3)(4).

Department of Health and Welfare, 700 W. State Street, Boise, ID 83720 (1)(2).

Office of Health Facilities and Quality of Care, 525 West Jefferson Street, Springfield, IL 62761 (1)(2).

Indiana State Board of Health, 1330 West Michigan, Indianapolis, IN 46206 (1)(2).

Health Facilities Licensure Program, State Department of Health, Lucas State Office Building, Des Moines, IA 50319 (1)(2)(3)(4).

State Department of Health and Environment, Building 740, Forbes Air Station, Topeka, KS 66620 (1)(2).

Division for Licensing and Regulation, 275 East Main Street, D.H.R. Building, Frankfort, KY 40601.

Louisiana Health and Human Resources Administration, P.O. Box 3767, Baton Rouge, LA 70821 (1)(2)(3).

Department of Human Services, 99 Western Avenue, Augusta, ME 04333 (1)(2)(3).

District Health Officer, Arman Ishoda Hospital, Majuro, Marshall Islands 96960 (1).

Department of Public Health, 80 Boylston Street, Boston, MA 02116 (1)(2).

Division of Health Facility Standards and Licensing, Department of Public Health, 3500 North Logan, Lansing, MI 48914 (1)(3).

Health Systems Division, Minnesota Department of Health, 717 Delaware Street SE., Minneapolis, MN 55440 (1)(2)(3).

State Board of Health, Box 1700, Jackson, MS 39205.

State Division of Health, Broadway, State Office Building, P.O. Box 570, Jefferson City, MO 65102 (1)(3).

Department of Health and Environmental Services, Cogswell Building, Helena, MT 59601 (1)(2)(4) (5) (6) (7) (8) (9) (12) (13) (14).

State Health Department, 301 Centennial Mall South, P.O. Box 95007, Lincoln, NE 68509 (1) (2).

Bureau of Health Facilities, 505 East King Street, Carson City, NV 89710 (1) (2) (3) (5).

Division of Public Health Services, 61 South Spring Street, Concord, NH 03055 (1) (2) (3).

Department of Health, American Bridge Building, 501 John Fitch, Trenton, NJ 08611. (2)

Federal Program Certification Section, P.O. Box 2348, State Securities Building, Santa Fe, NM 87501 (1)(2)(3).

Department of Health, Tower Building, Empire State Tower Building, Albany, NY 12237 (1) (3).

Division of Facility Services, Licensure and Certification Section, P.O. Box 12200, Raleigh, NC 27607.

State Department of Health, 1200 Missouri Avenue, Room 302, Bismarck, ND 58505 (1) (2) (9).

Department of Health, 246 N. High Street, Columbus, OH 43215 (1) (2).

Health Facilities Service, Department of Health, Northeast 10th and Stonewall Street, P.O. Box 53551, Oklahoma City, OK 73152 (1) (2) (3).

Office of Health Facilities Services, Department of Human Resources, P.O. Box 231, Portland, OR 97207 (1) (2).

Office of Quality Assurance, PA Department of Health, P.O. Box 80, Harrisburg, PA 17120.

Office of Certification and Licensure of Health Facilities, Road No. 2, Bay Amon, PR 00619 (3).

Division of Licensure and Construction, Department of Health, 75 Davis Street, Providence, RI 02908 (1) (2) (3) (7) (8) (10) (14).

Bureau of Health Licensing and Certification, Department of Health and Environmental Control, J Marion Sims Building, 26 O Bull Street, Columbia, SC 29201 (1) (2) (3) (7) (8) (10) (14).

Resource Development Program, South Dakota Health Department, Joe Foss Building, Pierre, South Dakota 57501.

Office of Quality Assurance, 490 Capitol Hill Building, Nashville, TN 37219.

State Department of Health, 1100 West 49th Street, Austin, TX 78756 (1) (2) (3).

Division of Health, Medical Care and Facilities Branch, 150 W. North Temple, P.O. Box 2500, 44 Medical Drive, Salt Lake City, UT 84110 (1) (2) (4) (5) (6) (7) (8) (9) (14) (15).

Department of Health, 115 Colchester Avenue, Burlington, VT 0401 (1) (2) (4) (5) (6) (7) (8) (9).

Department of Health, James Madison Building, 109 Governor Street, Richmond, VA 23219 (1) (2) (3).

Mail Stop LJ-11, Olympia, WA 98504 (3).

Health Facilities Evaluation Program, 1800 Washington Street, Charleston, WV 25305 (1) (2).

Bureau of Quality Compliance, One West Wilson Street, Madison, WI 53702 (1) (2).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Certain professional individuals who are employed in hospitals and clinical laboratories, or who are self-employed providing therapy and medical services who have taken proficiency examinations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on the academic and experience qualifications and social security numbers of individuals working in hospitals or clinical laboratories; the names, addresses, and license numbers of professional self-employed persons providing therapy and other medical services and their eligibility to participate in the Medicare program; whether individuals who took proficiency examinations have passed or failed. Records maintained differ from State to State. The State agencies listed under System Location are followed by numbers indicating which of the following categories are recorded.

- Physical Therapists (1).
- Chiropractor (2).
- Laboratory Personnel (3).
- Licensed Practical Nurse (4).
- Licensed Administrators (5).
- Registered Nurses (6).
- Occupational Therapists (7).
- Dieticians (8).
- Consultant Physicians (9).
- Pharmacists (10).
- Clinical Psychologists (11).
- Audiologists (12).
- Speech Pathologists (13).
- Social Work Consultants (14).
- Dentists (15).
- Portable X-Ray Providers (16).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act, Section 1123 (42 USC 1320a-2)

PURPOSE(S):

To maintain a file containing academic and experience of professional medical personnel to assure that qualifications are adequate for providing Medicare services.

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

(1) A HCFA contractor for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

- a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;
- b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(2) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(3) To State officials and employees to the extent necessary or appropriate to carry out their functions under agreements with the Health Care Financing Administration.

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

STORAGE:

Records maintained on paper files in metal filing cabinets.

RETRIEVABILITY:

System is indexed by name of individual, listed alphabetically.

SAFEGUARDS:

Disclosure of records is limited to State agency and Medicare personnel on a need-to-know basis. The files are closed to unauthorized personnel. File cabinets where records are stored are locked when not in use and at close of

business. Keys are kept by authorized personnel only.

RETENTION AND DISPOSAL:

Records are maintained for 5 years after becoming inactive, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Health Standards and Quality Bureau, Dogwood East Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for records should be directed to the HCFA Regional Director (See Appendix C, Section 2) or the appropriate State agency (See System Location). The individual should furnish his or her name, address, social security number, and the specific category file he or she wishes to access. Information on the procedures for gaining access to and contesting records may be obtained from the HCFA Regional Director. These notification procedures are in accordance with HHS Regulations (45 CFR 5b.5).

RECORD ACCESS PROCEDURES:

Same as notification procedures. (These access procedures are in accordance with the Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with the Department Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

The information contained in these records is furnished by the individual or his or her employing entity (hospital or medical clinic).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-2002

SYSTEM NAME:

HCFA Program Integrity/Program Validation Case Files HHS/HCFA/BQC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

HCFA Bureau of Quality Control, Office of Program Validation, 6325 Security Boulevard, Baltimore, Md. 21207, or HCFA Regional Office locations (see Appendix C, Section 2), and Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons or entities alleged to have violated the provisions of the Social Security Act related to the Medicare (title XVIII) or Medicaid (title XIX) program or other criminal statutes as they pertain to Social Security Act programs where substantial basis for criminal prosecution exists, defendants in criminal prosecution cases, or persons or entities alleged to have abused the Medicare or Medicaid program. This last category of individuals would, for example, include persons or entities alleged to have rendered unnecessary services to medicare beneficiaries and/or Medicaid recipients, overutilized services, engaged in improper billing procedures, or breached the assignment agreement. Also included are persons or entities chosen as subjects of a validation review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained in each record includes the identity of individual(s) chosen for validation review or the suspect of an integrity review, the area of service under validation study or the nature of the alleged offense, documentation of the investigation into the alleged offense (including identification of beneficiaries, recipients and witnesses, statements, medical records, payment records, or complaints from beneficiaries recipients and others, correspondence and forms, documentation of complaints, and reports of medical review committees or consultants (including professional standards review organizations), and the disposition of the case by the Office of Program Validation or the HCFA Regional Office, Office of the Inspector General, Medicaid State agency or State Medicaid Fraud Control Unit, or the U.S. Attorney.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1106, 1107, 1815, 1816, 1833, 1842, 1872, 1874, 1876, 1877, and 1902 of the Social Security Act. (42 U.S.C. 405, 1306, 1307, 1395g, 1395h, 1395l, 1395u, 1395ii, 1395kk, 1395mm, 1395nn, and 1396a)

PURPOSE(S):

To determine if a violation of a provision of the Social Security Act or a related penal or civil provision of the

United States Code has been committed; to determine if HHS has made proper payments as prescribed under sections 1815 and 1833 of the Social Security Act and whether the Medicare or Medicaid programs have been abused; and to coordinate title XVIII and title XIX investigations and prevent duplication. HCFA discloses case file material to the HHS Office of the Inspector General when a case is referred for full fraud investigation.

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

HCFA uses material in this system as the basis for referral of the case to the HHS Office of the Inspector General or the (1) Department of Justice for consideration of criminal prosecution or civil action or to (2) State or local licensing authorities (including State medical review boards), professional standards review organizations, peer review groups, medical consultants, or other professional associations for possible administrative action.

(3) HCFA discloses such information to officers or employees of State governments as well as the civilian health and medical program of the Uniformed Services (CHAMPUS) program for use in conducting or directing investigations of possible fraud or abuse against the title XVIII, XIX, or CHAMPUS programs, as well as State attorneys in connection with State programs involving the Health Care Financing Administration.

(4) HCFA also uses the material to determine the direction of investigation of potential fraud or abuse situations, which includes contact with third parties for the purpose of establishing or negating a violation. (5) HCFA discloses cases involving fraudulent tax returns or forgery of Medicare checks to the (a) Treasury Department, (b) to the postal authorities, and to appropriate law enforcement agencies. (6) HCFA may make disclosures to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.

(7) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to

represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Paper files maintained in locked file cabinets.

RETRIEVABILITY:

The staff indexes and retrieves records by case number or by the name of the subject of the investigation.

SAFEGUARDS:

The system is maintained in accordance with the requirements of the DHHS ADP Systems Manual, Part 6, "Systems Security." HCFA keeps the file cabinets locked in a room that is locked after office hours. No one has access to the files except Office of Program Validation and HCFA Regional Office staff or other authorized personnel on a need to know basis.

RETENTION AND DISPOSAL:

HCFA places the records in an inactive file after final action on the case. It closes out the inactive file at the end of the calendar year in which final action was taken, holds it 2 additional years, transfers it to the Federal Records Center, who destroys it after 3 additional years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Quality Control, Office of Program Validation HCFA, 6325 Security Boulevard, Baltimore, Md. 21207 or HCFA Regional Office Locations (see Appendix C, Section 2).

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to an active abuse investigation or a closed fraud or abuse investigation of which the individual is/was a subject by requesting such information in writing. He or she should direct inquiries to HCFA, Bureau of Quality Control, Office of Program Validation; 6325 Security Boulevard, Baltimore, Md 21207 or the appropriate HCFA Regional Office (see app. C.2).

Under 5 U.S.C. 552a(k)(2), case files on active fraud investigations are exempt from notification procedures. Therefore, an individual cannot determine if this system contains a record pertaining to an active fraud investigation of which the individual is a subject.

An individual who requests notification of or access to a medical record shall, at the time he makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

These notification procedures are in accordance with Department regulations (45 CFR 5b.5).

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requestors should also reasonably specify the record contents they seek. As with the notification procedures above, case files on active fraud investigations are exempt from access by the individuals who are the subjects of the investigations pursuant to 5 U.S.C. 552a(k)(2). However, access to information which is a matter of public record or documents which the individual furnished will be permitted. These access procedures are in accordance with Department regulations (45 CFR 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the appropriate official at the address specified under notification procedures above, reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulations—45 CFR 5b.7).

RECORD SOURCE CATEGORIES:

The information contained in this record systems is the result of a criminal or program abuse investigation and may be derived from such sources as the suspect, beneficiaries, witnesses, professional standards review organizations, professional or peer review committees, medical consultants, title XIX State agencies or State Medicaid Fraud Control Units, Social Security Administration, Health Care Financing Administration, carrier or intermediary employees with a knowledge of the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

HHS claims exemption of certain records (case files on active fraud investigations) in this system from the notification and access procedures under 5 U.S.C. 522a(k)(2) inasmuch as these records are investigatory materials compiled for program (law) enforcement in anticipation of a criminal or administrative proceeding. (See Department Regulations (45 CFR 5b.11)).

Appendix C. Health Insurance Claims

Medicare records are maintained at the HCFA Central Office (see section 1 below for the address). Health insurance records of the Medicare program can also be accessed through a representative of the HCFA Regional Office (see section 2 below for addresses). Medicare claims records are also maintained by private insurance organizations who share in administering provisions of the health insurance program. These private insurance organizations, referred to as carriers and intermediaries, are under contract to the Health Care Financing Administration and the Social Security Administration to perform specific tasks in the Medicare program. See section 3 below for addresses for intermediaries and section 4 addresses for carriers.

1. Central Office Addresses:

Bureau of Program Operations, HCFA, 6325 Security Boulevard, Baltimore, Maryland 21207. Office Hours: 8:15-4:45

Bureau of Support Services, HCFA, Office of Direct Reimbursement, Room 1705, Equitable Building 6325 Security Boulevard, Baltimore, Maryland 21207. Office Hours: 8:15-4:45

2. HCFA Regional Office Addresses:

BOSTON REGION—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

John F. Kennedy Federal Building, Room 1211, Boston, Massachusetts 02203. Office Hours: 8:30-5:00

NEW YORK REGION—New Jersey, New York, Puerto Rico, Virgin Islands

26 Federal Plaza—Room 715, New York, New York 10007. Office Hours: 8:30-5:00

PHILADELPHIA REGION—Delaware,

District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
P.O. Box 8460, Philadelphia, Pennsylvania 19101. Office Hours: 8:30-5:00

ATLANTA REGION—Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee

101 Marietta Street, Suite 702, Atlanta, Georgia 30223. Office Hours: 8:00-4:30

CHICAGO REGION—Illinois, Indiana,

Michigan, Minnesota, Ohio, Wisconsin
Suite A-824, Chicago, Illinois 60604. Office Hours: 8:15-4:45

DALLAS REGION—Arkansas, Louisiana, New Mexico, Oklahoma, Texas

1200 Main Tower Building, Dallas, Texas. Office Hours: 8:00-4:30

KANSAS CITY REGION—Iowa, Kansas, Missouri, Nebraska

New Federal Office Building, 601 East 12th Street—Room 436, Kansas City Missouri 64106. Office Hours: 8:00-4:45

DENVER REGION—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Federal Office Building, 1961 Stout St—Room 1185, Denver, Colorado 80294. Office Hours: 8:00-4:30

SAN FRANCISCO REGION—American Samoa, Arizona, California, Guam, Hawaii, Nevada

- Federal Office Building, 10 Van Ness Avenue, 20th Floor, San Francisco, California 94102. Office Hours: 8:00-4:30
- SEATTLE REGION—Alaska, Idaho, Oregon, Washington
1321 Second Avenue—Room 615, Mail Stop 211, Seattle, Washington 98101. Office Hours: 8:00-4:30
3. Intermediary Addresses (Hospital Insurance):
- Medicare Coordinator, Blue Cross/Blue Shield of Alabama, 450 Riverchase Parkway East, Birmingham, Alabama 35298
- Medicare Coordinator, Blue Cross of Arizona, Inc., P.O. Box 13466, Phoenix, Arizona 85002
- Medicare Coordinator, Arkansas Blue Cross/Blue Shield, Inc., 601 Gaines Street, Little Rock, Arkansas 72203
- Medicare Coordinator, Blue Cross of Southern California, P.O. Box 70000, Van Nuys, California 91470
- Medicare Coordinator, Blue Cross of Northern California, 1950 Franklin Street, Oakland, California 94659
- Medicare Coordinator, Kaiser Foundation Health Plan, Inc., 1956 Webster Street, Room 310A, Oakland, California 94612
- Medicare Coordinator, Rocky Mountain Hospital and Medical Service, 700 Broadway, Denver, Colorado 80203
- Medicare Administrator, Aetna Life & Casualty, 151 Farmington Avenue, Hartford, Connecticut 06156
- Medicare Coordinator, Blue Cross/Blue Shield Connecticut, 370 Bassett Rd., North Haven, Connecticut 06473
- Medicare Administrator, Travelers Ins. Co., One Tower Square, Hartford, Connecticut 06115
- Triage, Inc., 719 Middle Street, Bristol, Connecticut 06019
- Medicare Coordinator, Blue Cross/Blue Shield of Delaware, Inc., 201 West 14th Street, Wilmington, Delaware 19899
- Medicare Coordinator, Group Hospitalization, Inc., 550 12th Street, S.W., Washington, D.C. 20024
- Medicare Coordinator, Blue Cross of Florida, Inc., P.O. Box 1798, Jacksonville, Florida 32201
- Medicare Coordinator, Blue Cross of Georgia/Columbus, P.O. Box 7368, Columbus, Georgia 31908
- Medicare Coordinator, Blue Cross of Georgia/Atlanta, P.O. Box 4445, Atlanta, Georgia 30302
- Medicare Coordinator, Hawaii Medical Service Association, P.O. Box 860, Honolulu, Hawaii 96808
- Medicare Coordinator, Blue Cross of Idaho, Inc., P.O. Box 7480, Boise, Idaho 83707
- Medicare Coordinator, Health Care Service Corp., 233 North Michigan Avenue, Chicago, Illinois 60601
- Medicare Coordinator, Mutual Hospital Insurance, Inc., 120 West Market Street, Indianapolis, Indiana 46204
- Medicare Coordinator, Blue Cross of Iowa, Ruan Building, 636 Grant Avenue, Station 28, Des Moines, Iowa 50307
- Medicare Coordinator, Blue Cross of Western Iowa and S. Dakota, Third and Pierce Street, Sioux City, Iowa 51102
- Medicare Administrator, Kansas Hospital Service Association, Inc., P.O. Box 239, Topeka, Kansas 66601
- Medicare Coordinator, Blue Cross and Blue Shield of Kentucky, Inc., 9901 Linn Station Road, Louisville, Kentucky 40223
- Medicare Coordinator, Louisiana Health Service and Indemnity Company, 2718A Wooddale Blvd, Baton Rouge, Louisiana 70805
- Medicare Coordinator, Associated Hospital Service of Maine, 110 Free Street, Portland, Maine 04101
- Medicare Coordinator, Maryland Blue Cross, Inc., 700 East Joppa Road, Baltimore, Maryland 21204
- Medicare Coordinator Part A, Blue Cross of Mass., Inc., 100 Summer Street, Boston, Massachusetts 02106
- Medicare Coordinator, Blue Cross of Michigan, 600 Lafayette East, Detroit, Michigan 48226
- Medicare Coordinator, Blue Cross of Minnesota, 3535 Blue Cross Road, St. Paul, Minnesota 55765
- Medicare Coordinator, Blue Cross of Miss., P.O. Box 1043, Jackson, Mississippi 39205
- Medicare Coordinator, Blue Cross Hospital Service of Missouri, 4444 Forest Park Boulevard, St. Louis, Missouri 63108
- Medicare Coordinator, Blue Cross of Montana, P.O. Box 5017, Great Falls, Montana 59403
- Medicare Coordinator, Mutual of Omaha Ins. Co., Box 456 Downtown Station, Omaha, Nebraska 68101
- Medicare Coordinator, Blue Cross of Nebraska, P.O. Box 3248, Main Post Office Station, Omaha, Nebraska 68103
- Medicare Coordinator, New Hampshire Vermont Health Service, 2 Pillsbury Street, Concord, New Hampshire 03306
- Medicare Coordinator, Hospital Service Plan of New Jersey, 33 Washington Street, Newark, New Jersey 07102
- Medicare Coordinator, Prudential Ins. Co. of America, Drawer 471, 1 Millville, New Jersey 08332
- Medicare Coordinator, New Mexico Blue Cross Inc., 12800 Indian School Rd., N.E., Albuquerque, New Mexico 87112
- Medicare Coordinator, B/C-B/S of New York, 622 Third Avenue, New York, New York 10017
- Medicare Coordinator, North Carolina B/C-B/S, P.O. Box 2291 Durham, North Carolina 27702
- Medicare Coordinator, Blue Cross of North Dakota, 4510 13th Avenue, S.W., Fargo, North Dakota 58121
- Medicare Coordinator, B/C of N.W. Ohio, P.O. Box 943, Toledo, Ohio 43601
- Medicare Coordinator, B/C of N.E. Ohio, 2066 East Ninth Street, Cleveland, Ohio 44115
- Medicare Coordinator, Hospital Care Corporation, 1351 William Howard Taft Road, Cincinnati, Ohio 45206
- Medical Coordinator, Nationwide Mutual Insurance Co., P.O. Box 1625, Columbus Ohio 43216
- Medicare Coordinator, B/C of Central Ohio, P.O. Box 16526, Columbus, Ohio 43216
- Medicare Coordinator, Blue Cross of Oklahoma, 1215 South Boulder, Tulsa, Oklahoma 74119
- Medicare Coordinator, Northwest Hospital Service, P.O. Box 1271, Portland, Oregon 97201
- Medicare Coordinator, Blue Cross of Greater Philadelphia, 1333 Chestnut Street, Philadelphia, Pennsylvania 19107
- Medicare Coordinator, Blue Cross of Western Pennsylvania, One Smithfield Street, Pittsburgh, Pennsylvania 15222
- Medicare Coordinator, B/C of N.E. Pennsylvania, 70 North Main Street, Wilkes-Barre, Pennsylvania 18711
- Medicare Coordinator, Hospital Service Plan of Lehigh Valley, 1221 Hamilton Street, Allentown, Pennsylvania 18102
- Medicare Coordinator, Capital Blue Cross, 100 Pine Street, Harrisburg, Pennsylvania 17101
- Cooperativa de Seguros de Vida de Puerto Rico, G.P.O. Box 3428, San Juan, Puerto Rico 00936
- Blue Cross of Rhode Island, 444 Westminster Mall, Providence, Rhode Island 02901
- Medicare Coordinator, Blue Cross of S.C., Columbia, South Carolina 29219
- Medicare Coordinator, Blue Cross of Tennessee, Blue Cross Bldg., Chattanooga, Tennessee 37402
- Medicare Coordinator, Group Hospital Service, Inc., P.O. Box 22146, Dallas, Texas 75222
- Medicare Coordinator, B/C of Utah, P.O. Box 30270, Medicare A, Salt Lake City, Utah 84130
- B/C of S.W. Virginia, P.O. Box 13047, 3959 Electric Rd., Roanoke, Virginia 24045
- Medicare Coordinator, Blue Cross of Virginia, P.O. Box 27401, Richmond, Virginia 23261
- Medicare Coordinator, B/C of Washington/Alaska, Inc., 15700 Dayton Avenue, North, P.O. Box 327, Seattle, Washington 98111
- Medicare Coordinator, Parkersburg Hosp. Serv., Inc., P.O. Box 1948, Parkersburg, West Virginia 26101
- Medicare Coordinator, Blue Cross Hospital Service Inc., P.O. Box 1353, City Center West Charleston, West Virginia 25325
- Medicare Coordinator, Blue Cross of Northern West Virginia Inc., 20th and Chapline Streets, Wheeling, West Virginia 26003
- Medicare Coordinator, Blue Cross/Blue Shield United of Wisconsin, Milwaukee, Wisconsin 53201
- Medicare Coordinator, Blue Cross/Blue Shield of Wyoming, P.O. Box 2266, Cheyenne, Wyoming 82007

- Health Care Financing Administration,
Bureau of Program Operations, Group
Health Plans, Operations Staff, 6325
Security Boulevard, Baltimore, Maryland
21207
- Railroad Retirement Board, 844 Rush
Street, Chicago, Illinois 60611
4. Carrier Addresses (Supplementary
Medical Insurance)
- Medicare Coordinator, Blue Cross Blue
Shield of Alabama, 450 Riverchase
Parkway East, Birmingham, Alabama
35298
- Vice President for Medicare and Medical
Services, Arkansas Blue Cross/Blue
Shield, 601 Gaines Street, Little Rock,
Arkansas 72203
- Medicare Coordinator, California Blue
Shield, P.O. Box 7968, Rincon Annex, San
Francisco, California 94120
- Medicare Coordinator, Transamerica
Occidental Life Insurance Company, P.O.
Box 54905 Terminal Annex, Los Angeles,
California 90054
- Kaiser Foundation Health Plan 1956
Webster Street, Rm 310-A Oakland,
California 94612
- Assistant Vice President, Blue Shield of
Colorado, 700 Broadway, Denver,
Colorado 80273
- Medicare Administrator, Travelers Ins. Co.,
One Tower Square, Hartford,
Connecticut 06115
- Medicare Administrator, Aetna Life &
Casualty, 151 Farmington Avenue,
Hartford, Connecticut 06156
- Medicare Coordinator, Connecticut
General Life Insurance Company,
Hartford, Connecticut 06152
- Medicare Coordinator, Blue Cross/Blue
Shield of Delaware, 201 West 14th Street,
Wilmington, Delaware 19899
- Medicare Coordinator, Blue Cross of
Florida, Inc., P.O. Box 1798, Jacksonville,
Florida 32231
- Group Health, Inc., 1320 South Dixie
Highway, Coral Gables, Florida 33146
- Medicare Administrator, Prudential
Insurance Company of America, P.O. Box
95466, 57 Executive Park Station, Atlanta,
Georgia 30347
- Medicare Claim Administrator, Hawaii
Medical Service Association, 100 Bishop
Street, P.O. Box 860, Honolulu, Hawaii
96808
- Health Care Service Corporation, 233 North
Michigan Avenue, Chicago, Illinois 60601
- Assistant Vice President Medicare Dept.,
Mutual Medical Insurance, Inc., 120 West
Market Street, Indianapolis, Indiana
46204
- Assistant Executive Director, Blue Shield of
Iowa, Ruan Building, 636 Grand Avenue,
Des Moines, Iowa 50307
- Medicare Administrator, Blue Shield of
Kansas Inc., P.O. Box 239, Topeka,
Kansas 66601
- Manager, Medicare Liaison, Pan American
Life Insurance Co., P.O. Box 60182, New
Orleans, Louisiana 70130
- Medicare Coordinator, Maryland Blue
Shield, Inc., 700 E. Joppa Road,
Baltimore, Maryland 21204
- Medicare Coordinator Part B,
Massachusetts Blue Shield, 100 Summer
Street, Boston, Massachusetts 02106
- Asst. Vice Pres. Govern. Aff. Dept., Blue
Cross and Blue Shield of Michigan, 600
Lafayette East, Detroit, Michigan 48226
- Blue Cross/Blue Shield of Minn., 3535 Blue
Cross Road, St. Paul, Minnesota 55765
- Vice President Government Programs, Blue
Shield of Kansas City, P.O. Box 169,
Kansas City, Missouri 64141
- Director, Medicare Administration, General
American Life Ins. Corp., 13045 Tesson
Ferry Road, St. Louis County, Missouri
- Montana Physicians Service, P.O. Box 4310,
Helena, Montana 59601
- Assistant Vice President, Medicare
Administration, Mutual of Omaha
Insurance Co., Box 456, Downtown
Station, Omaha, Nebraska 68101
- Medicare Coordinator, New Hampshire
Vermont Phys. Serv., 2 Pillsbury St.,
Concord, New Hampshire 03306
- Medicare Coordinator, Prudential
Insurance Co., of America, P.O. Box 471,
Millville, New Jersey 08332
- Director of Medicare Part B, Blue Shield of
Western New York, Inc., 298 Main Street,
Buffalo, New York 14202
- Medicare Coordinator, Group Health
Insurance, Inc., 326 West 42nd Street,
New York, New York 10036
- Medicare Coordinator, Genesee Valley
Medical Care, Inc., 42 Chestnut Street,
Rochester, New York 14604
- Medicare Coordinator, Blue Cross/Blue
Shield of Greater N.Y., 622 Third Avenue,
New York, New York 10017
- Medicare Coordinator, The Equitable Life
Assurance Society, 1285 Avenue of the
Americas, New York, New York 10019
- Medicare Coordinator, Blue Shield of North
Dakota, 4510 13th Avenue, S.W., Fargo,
North Dakota 58121
- Medicare System & Proc. Div., Nationwide
Mutual Insurance Company, P.O. Box
1625, Columbus, Ohio 43216
- Department of Human Services, 101
Sequoyah Boulevard, Oklahoma City,
Oklahoma 73105
- Medicare Coordinator, Pennsylvania Blue
Shield, P.O. Box 65, Camp Hill,
Pennsylvania 17011
- Chief, Internal Operations, Seguros de
Servicio de Salud de Puerto Rico, Inc.,
G.P.O. Box 3628, San Juan, Puerto Rico
00936
- Medicare Coordinator, Blue Shield of
Rhode Island, 444 Westminster Mall,
Providence, Rhode Island 02901
- Medicare Coordinator, Blue Cross/Blue
Shield of S.C., Columbia, South Carolina
29219
- EDS Federal Corporation, 7171 Forest Lane,
Dallas, Texas 75230
- Offices Services, Group Medical & Surgical
Service, P.O. Box 22147, Dallas, Texas
75222
- Manager, Part B, Blue Shield of Utah, P.O.
Box 30270, Salt Lake City, Utah 84125
- Assistant Administrator, Washington
Physicians Service, 4th and Battery
Building—2401 4th Avenue, 6th Floor,
Seattle, Washington 98121
- Director, Medicare Claims Dept.,
Wisconsin Physicians Service, P.O. Box
9277, Madison, Wisconsin 53715
- Health Care Financing Administration,
Bureau of Program Operations, Group
Health Plans Operations Staff, 6325
Security Blvd., Baltimore, Maryland
21207
- Director of Retirement Claims, U.S.
Railroad Retirement Board, 844 Rush
Street, Chicago, Illinois 60611

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BILLING CODE 4120-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Office of the Secretary****Office of the Assistant Secretary for Personnel Administration****Privacy Act of 1974; Systems of Records, Annual Republication**

AGENCY: Office of the Secretary (OS), Office of the Assistant Secretary for Personnel Administration (OASPER), HHS.

ACTION: Annual republication of personnel records systems notices.

SUMMARY: 5 U.S.C. 552a(e)(4) requires that agencies annually publish notices in the *Federal Register* to indicate the existence and character of any systems of records which they maintain. The following notices are published to meet this requirement with respect to certain systems of records which HHS maintains on its past, present and prospective employees.

SUPPLEMENTARY INFORMATION: The following personnel records systems notices contain no material which requires a new or altered system report or any new routine uses.

Additional personnel records maintained in the Department are covered by U.S. Office of Personnel Management (OPM) government-wide records systems notices (see April 16, 1982, *Federal Register* at pages 16489-16503). Also, personnel records of PHS Commissioned Officers are covered by records systems notices published by the Office of the Assistant Secretary for Health. Individuals seeking access to those records should follow the procedures in those notices.

Personnel records of employees, former employees, and applicants for employment of the new Office of Community Services are covered by the OASPER records systems notices and the OPM government-wide notices. Personnel records of former Community Services Administration employees not covered by these notices have been turned over to the General Services Administration.

The Official Personnel Folder of former HHS employees who have separated from the Federal government are under the control of OPM and are maintained in the Federal Records Center in St. Louis, Missouri. Individuals seeking access to these records should contact OPM.

The former OASPER system of records 09-90-0002, "Investigatory Material Compiled for Security and Suitability Purposes," has been transferred to the HHS Office of the

Inspector General, which now performs the personnel security function within the Department.

Minor modifications have been made in the notices for the purpose of completeness, clarity and correctness. In addition, changes were made to show current organizational designations and locations.

Dated: September 15, 1982.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

Table of Contents**SYSTEM NUMBER AND SYSTEM NAME:**

- *09-90-0006 Applicants for Employment Records, HHS/OS/ASPER
 - *09-90-0007 Complaints and Inquiries Records—Miscellaneous, HHS/OS/ASPER
 - *09-90-0008 Conflict of Interest Records, HHS/OS/ASPER
 - *09-90-0009 Discrimination Complaints Records, HHS/OS/ASPER
 - *09-90-0010 Employee Counseling Service Program Records, HHS/OS/ASPER
 - *09-90-0011 Employee Appraisal Program Records, HHS/OS/ASPER
 - *09-90-0012 Executive Development Records, HHS/OS/ASPER
 - *09-90-0013 Federal Employees Occupational Health Program Records, HHS/OS/ASPER
 - *09-90-0014 Grievances Filed Under Part 771 of 5 C.F.R., HHS/OS/ASPER
 - *09-90-0015 Grievance Records Filed Under Procedures Established by Labor-Management Negotiations, HHS/OS/ASPER
 - *09-90-0016 HHS Motor Vehicle Operator Records, HHS/OS/ASPER
 - *09-90-0017 Pay, Leave, and Attendance Records, HHS/OS/ASPER
 - *09-90-0018 Personal Records in Operating Offices, HHS/OS/ASPER
 - *09-90-0019 Special Employment Program Records, HHS/OS/ASPER
 - *09-90-0020 Suitability for Employment Records, HHS/OS/ASPER
 - *09-90-0021 Training Management Information System, HHS/OS/ASPER
 - *09-90-0022 Volunteer EEO Support Personnel Records, HHS/OS/ASPER
 - *09-90-0036 Employee Suggestion Program Records, HHS/OS/ASPER
 - *09-90-0059 Federal Advisory Committee Membership Files, HHS/OS/ASPER
 - *09-90-0069 Unfair Labor Practice Records, HHS/OS/ASPER
 - *09-90-0095 Management Information System Efficiency Report (Miser), HHS/OS/ASPER/OPSI and OCAM.
- *Systems are Department-wide with Office of the Secretary policy guidance but with local operational control.

09-90-0006

SYSTEM NAME:

Applicants for Employment Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system is located in personnel offices and other offices of the Department authorized to receive applications for employment. See Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for Federal employment or are employed in the Federal service.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions and offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships military service; veterans preference, birthplace; birth date; social security number; and home address of persons who have applied for Federal employment or are employed in the Federal service and correspondence related thereto. These records may also include information concerning the date of application, qualification status, employment consideration, priority grouping, and other information relating to the consideration of the individual for employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, Executive Order 10577.

PURPOSE(S):

Records in this system are used to determine individuals' eligibility and evaluate their qualifications for placement in positions within the Department. These records are maintained in each component of the Department.

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

These records may be used: (1) to respond to requests for information from the Office of Personnel Management, Members of Congress, or other inquiries from outside the Department, to the extent their request is compatible with the purpose for which the records are maintained.

(2) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

(4) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(5) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(6) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the

relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(7) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(8) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

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

STORAGE:

Records are maintained on magnetic tapes, discs, drums, punched cards, microfiche, cards, lists, and forms.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, social security number and identification number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained until the applicant is selected for a position, or for two years. After the applicant is selected for a position, the records are filed in the Official Personnel Folder which is retained until the employee leaves the Department. If the applicant is not selected for a position within two years, the records are destroyed. (See HHS Personnel Instruction 293-1, Exhibit X293-1-1, item 15.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers of the Department. See Appendix 1.

NOTIFICATION PROCEDURE:

Personnel office to which application is made (see Appendix 1). Individual should provide name, date of birth, social security number, approximate date of record and title of position for which application was made.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual to whom it applies, is derived from information he or she supplied; or is obtained from information supplied by others.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Personnel Offices in Department of Health and Human Services

Office of the Assistant Secretary for Personnel Administration, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201

Headquarters Personnel Offices:

Personnel Officer, Division of OS Personnel, Office of the Secretary, Department of Health and Human Services, Room 4361—4th Floor, 330 Independence Avenue, S.W., Washington, D.C. 20201

Personnel Officer, Office of Human Development Services, Department of Health and Human Services, Room 351D, Humphrey Building, 200 Independence Ave., S.W., Washington, DC 20201
Director, Office of Management, Budget and Personnel (OMB), Social Security Administration, Department of Health and Human Services, Room 718, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235

Personnel Officer, Office of Hearings and Appeals, Social Security Administration, Department of Health and Human Services, Room 201, 3833 North Fairfax Drive, Arlington, Virginia 22203

Director, Division of Human Resources, Health Care Financing Administration, Department of Health and Human Services, Room G-H-5, East Low Rise Building, 6325 Security Blvd., Baltimore, Maryland 21207

Personnel Officer, Office of Community Services, Department of Health and Human Services, Room 531, 1200 19th Street, NW., Washington, DC 20506

Director, Office of Personnel Management, Public Health Service, Department of Health and Human Services, Room 18A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Director, Office of the Assistant Secretary for Health, Personnel Operations Office, Department of Health and Human Services, Room 17-34, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Director, Division of Personnel Management, Alcohol, Drug Abuse and Mental Health Administration, Department of Health and Human Services, Room 1295, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Personnel Director, Personnel Management Office, Centers for Disease Control, Department of Health and Human Services, Building 1, Room 153A, 1600 Clifton Road, NE, Atlanta, Georgia 30333

Personnel Officer, Division of Personnel Management, Food and Drug Administration, Department of Health and Human Services, Room 4B-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Director, Division of Personnel, Health Resources and Services Administration, Department of Health and Human Services, Room 14A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Director, Division of Personnel Management, National Institutes of Health, Department of Health and Human Services, Room 21, Building 1, 9000 Rockville Pike, Bethesda, Maryland 20205

Personnel Officer, Personnel Office, National Library of Medicine, Department of Health and Human Services, 8600 Rockville Pike, Room M-105, Bethesda, Maryland 20209

Chief, Personnel Management Branch, National Cancer Institute, Department of Health and Human Services, Room 3A19, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20205

Chief, Personnel Management Branch, National Heart and Lung Institute, Department of Health and Human Services, Room 5A32, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20205

Personnel Officer, Saint Elizabeths Hospital, ADAMHA, Department of Health and Human Services, Room 120, E-Building, 2700 Martin Luther King Avenue, SE., Washington, DC 20032

Personnel Director, Bureau of Health Manpower, Department of Health and Human Services, Room 5B-44, Building 31,

9000 Rockville Pike, Bethesda, Maryland 20015

Regional Personnel Offices:

Regional Personnel Officer, Region I, Department of Health and Human Services, John F. Kennedy Federal Building, Government Center—Room 1503, Boston, Massachusetts 02203

Regional Personnel Officer, Region II, Department of Health and Human Services, Federal Building, Room 39-100, 26 Federal Plaza, New York, New York 10278

Personnel Liaison Unit, Suite 610, Housing Investment Building, 416 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00918

Regional Personnel Officer, Region III, Department of Health and Human Services, 3535 Market Street, Room 9460, Philadelphia, Pennsylvania 19101

Regional Personnel Officer, Region IV, Department of Health and Human Services, Suite 1601, 101 Marietta Tower, Atlanta, Georgia 30323

Regional Personnel Officer, Region V, Department of Health and Human Services, 31st Floor, 300 S. Wacker Drive, Chicago, Illinois 60606

Regional Personnel Officer, Region VI, Department of Health and Human Services, 18th Floor, 1200 Main Tower Bldg., Dallas, Texas 75202

Personnel Officer, National Institute of Environmental Health Services, Department of Health and Human Services, P.O. Box 12233, Research Triangle Park, North Carolina 27709

Regional Personnel Officer, Region VII, Department of Health and Human Services, Room 468, 601 E. 12th Street, Kansas City, Missouri 64106

Regional Personnel Officer, Region VIII, Department of Health and Human Services, Room 1031, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294

Regional Personnel Officer, Region IX, Department of Health and Human Services, 50 United Nations Plaza, San Francisco, California 94102

Regional Personnel Officer, Region X, Department of Health and Human Services, Room 6039 Arcade Plaza Building, 1321 Second Avenue, Mail Stop 627, Seattle, Washington 98101

Other Personnel Offices:

Chief, Personnel Office, Cleveland Branch Office, Region V, Department of Health and Human Services, 14600 Detroit Avenue, Room 500, Cleveland, Ohio 44107

Southern California Operating Center, Region IX, 24000 Avila Road, 4th Floor, Laguna Niguel, California 92677

Personnel Officer, U.S. Public Health Service Hospital, Personnel Section, Department of Health and Human Services, Carville, Louisiana 70721

Personnel Officer, Indian Health Service, Personnel Management Branch, Department of Health and Human Services, P.O. Box 2143, Billings, Montana 59103

Personnel Officer, Indian Health Service, Personnel Section, Department of Health

and Human Services, 4005 Federal Office Building, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87101

Personnel Officer, Indian Health Service, Personnel Management Branch, Department of Health and Human Services, 115 4th Avenue, SE., Aberdeen, South Dakota 57401

Personnel Officer, Indian Health Service, Personnel Management Branch, Department of Health and Human Services, 801 East Indian School Road, Phoenix, Arizona 85014

Personnel Officer, Indian Health Service, Personnel Branch, Department of Health and Human Services, 388 Old Post Office and Courthouse, Oklahoma City, Oklahoma 73102

Personnel Officer, Alaska Area Office, Indian Health Service, Department of Health and Human Services, P.O. Box 7-741, Anchorage, Alaska 99501

Personnel Officer, Indian Health Area Office, Office of Personnel, Department of Health and Human Services, Room 200, 921 SW. Washington Street, Portland, Oregon 97205

Personnel Officer, Indian Health Service, Office of Personnel, Department of Health and Human Services, P.O. Box C, Window Rock, Arizona 86515

Personnel Officer, Addiction Research Center, National Institute of Drug Abuse, ADAMHA, Department of Health and Human Services, P.O. Box 12390, Lexington, Kentucky 40511

Personnel Officer, National Institute for Occupational Safety and Health, Department of Health and Human Services, Room 540, U.S. Post Office and Courthouse, 5th and Walnut Street, Cincinnati, Ohio 45202

Chief, Personnel Branch, Mid-Atlantic Program Service Center, Social Security Administration, Department of Health and Human Services, P.O. Box 14008, Philadelphia, Pennsylvania 19108

Chief, Personnel Branch, Northeastern Program Service Center, Social Security Administration, Department of Health and Human Services, 9605 Horace Harding Expressway, Flushing, New York 11368

Chief, Personnel Branch, Southeastern Program Service Center, Social Security Administration, Department of Health and Human Services, 2001 12th Avenue, North, Birmingham, Alabama 35285

Chief, Richmond Personnel Operations Center, Western Program Service Center, Social Security Administration, Department of Health and Human Services, P.O. Box 2431, Richmond, California 94802

Chief, Personnel Branch, Great Lakes Program Service Center, Social Security Administration, Department of Health and Human Services, 165 North Canal Street, Chicago, Illinois 60606

Chief, Personnel Branch, Mid-America Program Service Center, Social Security Administration, Department of Health and Human Services, P.O. Box 15186, Kansas City, Missouri 64106

Personnel Officer, Albuquerque Data Operations Center, Social Security Administration, Department of Health and Human Services, P.O. Box 4429, Station "A", Albuquerque, New Mexico 87106

Personnel Officer, Salinas Data Operations Center, Social Security Administration, Department of Health and Human Services, 100 East Alvin Drive, Salinas, California 93906

Chief, Personnel Branch, Wilkes-Barre Data Operations Center, Social Security Administration, Department of Health and Human Services, V.A. Bldg., Rm. 512, 19 North Main Street, Wilkes-Barre, Pennsylvania 18701

09-90-0007

SYSTEM NAME:

Complaints and Inquiries Records—Miscellaneous, HHS/OS/ASPER.

SECURITY LOCATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records relating to an individual's employment status or conduct while employed by the Department. Examples of these records include: correspondence from employees, Members of Congress, and members of the public alleging misconduct by an employee of the Department, miscellaneous complaints not covered by the Department's formal or informal grievance procedure, informal complaints handled by labor union officials, and miscellaneous debt correspondence received from creditors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 11222, 10561 and 11491.

PURPOSE(S):

Records in this system are maintained to initiate, investigate and resolve various complaints and inquiries made by or against Department employees. See also "Retrievability" below.

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

Information in these records may be used:

(1) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(3) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(4) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(5) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights

Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(6) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(7) Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) the Federal Mediation and Conciliation Service, and to an arbitrator, in carrying out their functions.

(8) To respond to Members of Congress and members of the public with regard to complaints or inquiries presented by them.

(9) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(10) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Filed in folders and index cards.

RETRIEVABILITY:

Records are filed by name. Records are used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies;

and for other purposes compatible with the intent for which the records system was created.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are retained until there is no further administrative need for them, the individual leaves the Department, or one year has elapsed, and are then destroyed. (See HHS Personnel Instruction 293-1, Exhibit X293-1-2, item 7.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers shown in Appendix 1 to Applicants for Employment Records, HHS System 09900006, who service organizational units in which individuals are employed.

NOTIFICATION PROCEDURE:

Operating officials in organizational unit in which employee is employed or personnel officers shown as systems managers in Appendix 1 Applicants for Employment Records, HHS System 09900006. Individuals should provide name, organization in which employed, and date of birth.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained: (1) directly from the individual, or (2) derived from information supplied by the individual, or (3) from information supplied by members of the public, other employees, Members of Congress, Department management officials, or (4) from police and court records relevant to the complaint about the employee.

09-90-0008

SYSTEM NAME:

Conflict of Interest Records, HHS/OS/ASPER.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel Offices of the Department (See Applicants for Employment Records, HHS System 09900006, Appendix 1) or authorized approving officials to be identified by those Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Incumbents of Department positions the duties of which are of such a nature that incumbent's outside activities may come in conflict with the incumbent's official duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an employee's conduct and outside activities. In addition to the name of the employee, position title, grade, salary, pay plan, and employing organization, the system includes information about outside employment, outside compensation and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222.

PURPOSE(S):

Records in this system are used to determine whether an employee's financial interests or outside activities are in conflict with the employee's duties as a Federal employee. Records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system of records may be used: (1) by the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) the Federal Mediation and Conciliation Service, and to an arbitrator, in carrying out their functions.

(2) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular

program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(3) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(4) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(5) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issued a subpoena to the Department for records in this system of records, the Department will make such records available.

(6) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to

maintain Privacy Act safeguards with respect to such records.

(7) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(8) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Conflict of Interest Records are maintained in file folders.

RETRIEVABILITY:

Records are retrievable by name. They may be used for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for other purposes compatible with the intent for which the records system was created.

SAFEGUARDS:

These records are treated as controlled for Official Use Only and made available only to persons specifically authorized to receive them.

RETENTION AND DISPOSAL:

Records are retained until 2 years after the individual discontinues the activity for which approval was required, or until the individual leaves the Department, and are then destroyed. (See HHS Personnel Instruction 293-1, Exhibit X293-1-1, item 25.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Offices of the Department shown in Appendix 1 to Applicants for Employment Records, HHS System 09900006.

NOTIFICATION PROCEDURE:

For incumbents who are in position under the Executive Schedule; Office of the Secretary Staff Office Heads; or

Principal Regional Officials contact: Deputy Assistant Secretary for Personnel, Office of Personnel, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

For incumbents of positions in the Food and Drug Administration, contact: Director, Policy Management Staff, HFA-20, Food and Drug Administration, 5600 Fisher Lane, Rockville, Maryland 20857.

For incumbents of other positions included in this records system, contact the Personnel Office shown in Appendix 1 to Applicants for Employment Records, HHS System 09900006, which services the organizational units in which the individual is employed. The individual should indicate name, position title, grade and series, and organization in which located.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) Supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by Department officials or other persons such as trustee, attorney, accountant, relative.

09-90-0009

SYSTEM NAME:

Discrimination Complaints Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Deputy Assistant Secretary for EEO, 200 Independence Avenue, SW., Washington, D.C. 20201.
Offices of designated EEO Officers.
See Appendix 1 for exact locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, classes of individuals or organizations which have consulted an EEO Counselor regarding discrimination on the basis of race, color, religion, sex, national origin, physical disability or age because of a determination or decision made by a Department official or which have filed a formal allegation of discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents concerning pre-complaint processing and formal allegations of discrimination. The records consist of counselors' reports, the initial allegations, letters or notices to the individual or organization, materials placed into the record to support or refute the decision or determination, statements of witnesses, investigative reports, instructions about action to be taken to comply with decisions, and related correspondence, opinions, recommendations, and final administrative actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478, 42 USC 2000e and 29 USC 633a.

PURPOSE(S):

These records are used to initiate, investigate, and resolve discrimination complaints within the Department. They are maintained in each component of the Department. See also "Retrievability" below.

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

These records and information in the records may be used:

(1) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance;

(2) To refer to Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) the Federal Mediation and Conciliation Service, and to an arbitrator, in carrying out their functions;

(3) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the

relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule regulation or order issued pursuant thereto.

(4) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(5) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(6) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(7) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(8) Where a contract between a component of the Department and a labor organization recognized under

E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(10) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

(11) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

These records are maintained in file folders, binders, and index cards.

RETRIEVABILITY:

These records are indexed by the names of the individuals or organizations on whom they are maintained. They may be used: as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; and to locate specific individuals for personnel research or other personnel management functions.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The records are retained for four years after final disposition, and are then destroyed. (See HHS Personnel Instruction 293-1, Exhibit X293-1-1, item 26a(1).)

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix 1.

NOTIFICATION PROCEDURE:

Individuals and organizations which consulted an EEO counselor or filed a formal allegation of discrimination are aware of that fact. They may write the appropriate system manager indicated below or the general coordinator if the immediate system manager is unknown, regarding the existence of such records pertaining to them. The inquirers, as appropriate, should provide their name, date of birth, agency in which employed or agency in which the situation arose if different from employing agency, the approximate date, and the kind of action taken, when making inquiries about records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reason for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

- Individual to whom the record pertains.
- Department or other officials.
- Statements from employees or other witnesses.
- Official documents relating to the counseling or formal allegation.
- Correspondence from specific organizations or persons.

Appendix 1

List of Locations and System Managers for EEO Matters General Coordinator:

Deputy Assistant Secretary for EEO, Room 509F, 200 Independence Avenue, SW., Washington, D.C. 20201

System Managers

Office of the Secretary, EEO Officer, Room 541F, Humphrey Building, 200 Independence Ave., S.W., Washington, D.C. 20201

Regional Offices**Region I**

EEO Officer, Room 2411, JFK Federal Building, Boston, Massachusetts 02203

Region II

EEO Officer, Room 3838-D, 26 Federal Plaza, New York, New York 10278

Region III

EEO Officer, Room 9200, 11460 Market Street, Philadelphia, Pennsylvania 19101

Region IV

EEO Officer, 19th Floor, 101 Marietta Tower, Atlanta, Georgia 30323

Region V

EEO Officer, 35th Floor, 300 S. Wacker Drive, Chicago, Illinois 60606

Region VI

EEO Officer, Room 904, 1114 Commerce Street, Dallas, Texas 75202

Region VII

EEO Officer, Room 616D, 601 East 12th Street, Kansas City, Missouri 64106

Region VIII

EEO Officer, Room 1089, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294

Region IX

EEO Officer, Room 413, 50 United Nations Plaza, San Francisco, California 94102

Region X

EEO Officer, Room 6132, Arcade Plaza Building, 1321 Second Avenue, Mail Stop 629, Seattle, Washington 98101

Operating Divisions and Agencies

Social Security Administration, EEO Officer, Room 739, Administration Building, 6401 Security Boulevard, Baltimore, Maryland 21235

Health Care Financing Administration, EEO Officer, Room 793, East High Rise Building, 6401 Security Blvd., Baltimore, Maryland 21235

Assistant Secretary for Health, EEO Officer, Room 9-A-54, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Health Resources and Services

Administration, EEO Officer, Room 14A-31, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Food and Drug Administration, EEO Officer, Room 12-B-03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Alcohol, Drug Abuse and Mental Health Administration, EEO Officer, Room 17-C-20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

National Institutes of Health, EEO Officer, Room 2-B-40, Building 31, National Institutes of Health, Bethesda, Maryland 20205

Centers for Disease Control

EEO Officer, Room 2405, Building 1, 1600 Clifton Road, NE., Atlanta, Georgia 30333
Office of Human Development Services, EEO Officer, Room 336E, Humphrey Building, 200 Independence Ave., SW., Washington, D.C. 20201

09-90-0010**SYSTEM NAME:**

Employee Counseling Service Program Records HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 or designated offices performing counseling functions for employees in organizational units serviced by these personnel offices, including the Public Health Employee Assistance Program offices lists in Appendix 1 of this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department employees who have been counseled for work adjustment, personal or emotional health problems and/or the abuse of alcohol or drugs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of employees who have been counseled and/or referred by a counselor and records of members of employees' families who have been counseled. Examples of information which may be found in this record system include the employee's name, SSN, date of birth, grade, job series, job title, leave record, service computation date, home address, home phone number, supervisor's name, name and address of the individual's personal physician, social history, educational background and performance appraisals. Other documents which may also be found in the counselor's file are notes made by the counselor, copies of admonishments and reprimands received by the employee and a record of the supervisor's referral (if the employee was referred by the supervisor).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 42 U.S.C. 4561, 21 U.S.C. 1180, and 5 U.S.C. 7901.

PURPOSE(S):

These records are used to help the Department's troubled employees overcome their problems and remain productive employees. They are used to document the nature and effects of the employee's problem and progress and

when necessary to refer individuals to appropriate community or private resources for treatment or rehabilitation. These records are maintained in each component of the Department. See also "Retrievability" below.

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

In unusual circumstances, it may be appropriate to disclose information from this system of records:

(1) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(2) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

(3) To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of components of the Department in connection with such individual;

(4) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. Such disclosures will be restrictively made; in particular, disclosures of information pertaining to an individual with a history of alcohol or drug abuse will be limited in compliance with the restrictions if the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2.

(5) A record from this system of records may be disclosed as a "routine use" to a recipient for a research purpose, if the Department:

(a) Determines that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Determines that the research purpose for which the disclosure is to be made—(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Requires the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project unless the recipient presents an adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Secures a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

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

STORAGE:

Employee records are maintained in file folders and on index cards.

RETRIEVABILITY:

Records are filed by name or by case number cross indexed with the employee's name. Anonymous information from these records may also be used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained.

SAFEGUARDS:

During the employment of the individual, records are maintained in confidential files separate from the Official Personnel Folder and are located in lockable metal containers or

in secured rooms with access limited to those whose official duties require access. Disclosure of the contents of records which pertain to an individual's alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended by Pub. L. 93-282. To the extent possible, identical restrictions will be applied to the disclosure of the contents of records pertaining to individuals with other problems who are participating in the Public Health Employee Assistance Program.

RETENTION AND DISPOSAL:

Records are retained until three years after the individual has ceased contact with the counselor, or until the individual leaves the Department, and are then destroyed. (See HHS Personnel Instruction 293-1, Exhibit X293-1-1, item 27a.)

SYSTEM MANAGER(S) AND ADDRESS:

For records of individuals participating in the Public Health Employee Assistance Program conducted by the Public Health Service: The responsible administrator shown in Appendix 1 below. For other individuals' records: The Personnel Officer servicing the installation in which counseling was provided, as shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager at the office where counseling was provided. Individual should provide name, grade, organization in which employed, date of birth, and location and approximate date of counseling. When applicable, the special procedures for access to medical records will be followed. An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR 5b.6) Federal Register, October 8, 1975, page 47411.). When the records pertain to an individual's alcohol or drug use, the procedures in 42 CFR 2.40 will also be followed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably

specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b(a)(2)) Federal Register, October 8, 1975, page 47410.).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) supplied directly by the individual, or (2) supplied by a member of the individual's family, or (3) derived from information supplied by the individual, or (4) supplied by sources to whom the employee has been referred for assistance, or (5) supplied by Department officials, or (6) supplied by program counselors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Officials of Public Health Employee Assistance Program (Public Health Service)
Director, PHS/Bureau of Medical Services,
Division of Federal Employee Occupational Health, Room 13A-40, Fishers Lane, Rockville, Maryland 20857
Administrator, Public Health Employee Assistance Program, Personnel Management Office, Centers for Disease Control, Atlanta, Georgia 30333
Director, PHS/Bureau of Medical Services, Division of Federal Employee Occupational Health, Center Building, Room 108, 6520 Belcrest Road, West Hyattsville, Maryland 20782
Director, Division of Safety, ORS, Office of Occupational Health, National Institutes of Health, Bethesda, Maryland 20205
Chief Employee Occupational Health Department, Saint Elizabeth's Hospital, Eldridge Building, Room 122, Washington, D.C. 20032

09-90-0011

SYSTEM NAME:

Employee Appraisal Program Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and operating

offices in organizational units serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal employees of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information which includes employee's name, SSN, employing organization, grade, title, series, and materials relating to the evaluations of employee's performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4302, 5 U.S.C. 3301, 5 U.S.C. 3302, Executive Order 10577.

PURPOSE(S):

These records are used as a basis for awards, promotions, and other recognition, reduction-in-force standing, adverse actions, retention during probation, and other personnel actions. These records are maintained in each component of the Department.

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

Information in these records may be used:

(1) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) the Federal Mediation and Conciliation Service, and to an arbitrator in carrying out their functions;

(2) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(3) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the

requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(4) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(5) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(6) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(7) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(8) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(9) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is

compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in file folders on magnetic tape, and on punch cards.

RETRIEVABILITY:

Records are retrievable by name or social security number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Appraisals and satisfactory rating are retained until a new appraisal or rating is issued, 2 years have elapsed, or the individual leaves the Department, and are then destroyed. Unsatisfactory and outstanding ratings are filed in the Official Personnel Folder which is retained until the individual leaves the Department. (See HHS Personnel Instruction 293-1. Exhibit X293-1-2, Item 10.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Same as above. Employee should provide name, social security number and organization in which employed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record or specify the information to be contested and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual, derived from information supplied by the individual or supplied by Department officials.

09-90-0012

SYSTEM NAME:Executive Development Records,
HHS/OS/ASPER.**SECURITY CLASSIFICATION:**

None.

SYSTEM LOCATION:Personnel offices shown in Applicants
for Employment Records, HHS System
09900006, Appendix 1.**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Members of the Senior Executive Service, supergrade employees (GS-16-18) and equivalents, incumbents of managerial positions and employees in grades GS-13-15 who have applied for Executive Development Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an employee's application for, and participation in, the executive development program. In addition to the employee's name, the system contains the employee's title, grade and salary, Social Security Account Number, organization in which employed, date of entry into the Executive Development Program, training needs while participating in the program, individual's development plan, basis for participation in the Executive Development Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101 et. seq.

PURPOSE(S):

These records are used to document employee's application for and participation in the executive development program. They may be used as a basis for promotion, transfer, or reassignment. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system of records is used:

(1) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such

violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(3) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(4) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(5) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(6) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(7) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(8) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(9) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Information in this system of records is maintained in file folders, magnetic tape, punch cards, and forms.

RETRIEVABILITY:

Records are indexed by name and Social Security Account Number. They may be used as base for preparing management, budgetary or statistical reports to support organizational planning or manpower utilization studies.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records of an unsuccessful applicant are retained for 60 days after notification that he or she was not selected for participation, and are then destroyed. Records of a participant are retained for 5 years after the individual has ceased to participate in the program, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of personnel offices which service the organizational unit in which the individual is employed. See Applicants for Employment Records, HHS System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Same as above. Individuals should include their name, grade, title, and organization when contacting the system manager.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411).

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by Department officials.

09-90-0013

SYSTEM NAME:

Federal Employees Occupational Health Program Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and designated offices performing occupational health services for employees in organizations serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal employees of the Department

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an employee's participation in the Federal Occupational Health Program at units other than those operated by the Division of Federal Employee Health, Public Health Service. Examples of information which may be included in this system are the employee's name, SSN, date of birth, weight, height, medical history, blood type, nature of injury or complaint, type of treatment/

medication received, examination findings, and laboratory results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C 7901 et seq., Pub. L. 79-658.

PURPOSE(S):

These records are used to document visits by employees to health units. They serve as the record of injuries and illnesses and treatment given. Information from this system may be used by Department officials in connection with fitness for duty examinations. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system of records may be used:

(1) By authorized medical personnel in connection with the performance of their official duties.

(2) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(3) By the Department of Labor in connection with a claim filed by an employee for compensation for job-related injury or disease.

(4) By private contractors engaged in providing medical services under Federal contract.

(5) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(6) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(7) A record from this system of records may be disclosed to a federal

agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(8) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(9) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(10) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(11) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(12) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(13) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or

her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Stored in file folders, punch cards and data tape.

RETRIEVABILITY:

Records are retrievable by name, date of birth, and SSN. Information from this system may be used for preparing statistical or summary reports about employee participation in the Federal Occupational Health Program.

SAFEGUARDS:

During the employment of the individual, medical records are maintained in files separate from the Official Personnel Folder and are located in lockable metal containers or in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained until the individual leaves the Department. If they have no long-term value they are destroyed at this time. If they have continuing value they may be combined with the Official Personnel Folder which is forwarded to the Federal Personnel Records Center or to the new employing agency, as appropriate. (See FPM Supplement 293-31, Subchapter 5-7 for contents of the Official Personnel Folder.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers shown in Applicants for Employment Records, HHS System 09900006, Appendix 1, who service organizational units in which the individual is employed.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the office where occupational medical services are provided. The individual should include name, SSN, title and organization. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These

notification and access procedures are in accordance with Department Regulations (45 CFR 5b.6) Federal Register, October 8, 1975, page 47411.)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the corrective. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES

Information in this system of records is: (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by the medical officer or nurse providing treatment or medication, or (4) supplied by the individual's private physician.

09-90-0614

SYSTEM NAME:

Grievances Filed under Part 771 of 5 CFR HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Personnel Systems Integrity, Department of Health and Human Services, Room 2046, Switzer Building, 330 Independence Ave., S.W., D.C. 20201. Personnel Offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department employees individually or as a group who have requested personal relief in a matter of concern or dissatisfaction which is subject to the control of Department management.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information or documents relating to the grievance and personal relief sought; documented materials used in consideration of the grievance, and

correspondence related to disposition of the grievance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302; Executive Order 10577.

PURPOSE(S):

Records in this system are used to initiate, consider, and resolve employee grievances filed under Part 771 of 5 CFR. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system of records may be used:

(1) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(3) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the

requesting agency's decision on the matter.

(4) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(5) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(6) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(7) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(8) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service, Impasses Panel) in carrying out their function.

(9) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(10) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the

Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

The records are maintained in file folders, binders and index cards.

RETRIEVABILITY:

Records are indexed by name of individual filing the grievance. Information from this system may be used by Department officials for preparing statistical summary or management reports.

SAFEGUARDS:

Records maintained by management are stored in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for 3 years after the grievance case is closed, and are then destroyed. (See HHS Personnel Instruction 293-1, Exhibit X293-1-1, item 31a.)

SYSTEM MANAGER(S) AND ADDRESS:

Heads of personnel offices which service organizational units in which employees who submit informal grievances are located. See Applicants for Employment Records, HHS System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Individuals who have filed grievances are aware of that fact and have been provided information in writing concerning the disposition of the grievance. They may contact the official who signed the written notice, or the System Manager indicated above. They should provide their name, organization in which employed and date of birth and approximate date of the filing of the grievance.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.0

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) Supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by Department officials.

09-90-0015

SYSTEM NAME:

Grievances Filed Under Procedures Established by Labor-Management Negotiations, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and offices of operating officials in organizational units serviced by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal employees of the Department covered by a collective bargaining agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a variety of records relating to an employee's grievance filed under procedures established by labor-management negotiations. Examples of information which may be included in this system of records are the employee's name, SSN, grade, job title, testimony of witnesses, material placed into the record to support the decision, the arbitrator's decision, the arbitrator's report, and a record of an appeal to the Federal Labor Relations Authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code, Chapter 71.

PURPOSE(S):

Records in this system are used to initiate, consider, and resolve employee grievances filed under procedures established by labor-management negotiations. These records are maintained in each component of the

Department. See also "Retrievability" below.

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

Information in this system may be released to:

(1) The Office of Personnel Management Merit Systems Protection Board (including its office of the Special Counsel), and the Equal Employment Opportunity Commission, in carrying out their functions.

(2) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(4) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(5) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the

relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(6) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(8) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(9) The Department of Labor.

(10) The Federal Labor Relations Authority including the General Counsel of the Authority and the Federal Service Impasses Panel.

(11) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(12) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrievable by name. Information from this system may be used by Department officials for preparing statistical summary or management reports.

SAFEGUARDS:

Records maintained by management are stored in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

As negotiated by the local parties to the contract. If not covered by contract, records are retained for 3 years after the grievance case is closed and are then destroyed. (See HHS Personnel Instruction 293-1, Exhibit X293-1-1, item 31a.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 who service the organizational unit in which the individual is employed.

NOTIFICATION PROCEDURE:

Same as above. Individuals should include their name, grade, title and organizational unit when contacting the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411)

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) Supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by testimony of witnesses, or (4) supplied by union

officials, or (5) supplied by Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0016

SYSTEM NAME:

HHS Motor Vehicle Operator Records, HHS/OS/ASPER.

SYSTEM LOCATION:

None.

SYSTEM LOCATION:

Personnel offices of the Department shown in Applicants For Employment Records, HHS System 09900006, Appendix 1. Issuing Officers for Motor Vehicle Operator Identification Cards and motor pool managers within the organizations serviced by the above personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department employees who are required to operate motor vehicles regularly or incidentally in carrying out their official duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records related to the issuance of a Government Motor Vehicle Operator's permit. In addition to the name of the employee, the system includes information about the employee's birthplace, SSN, employing organization, number of years driven, type of vehicles operated, current driver's license, number, state issuing driver's license, date license expires, restrictions of state license, sex, date of birth, color or hair, color of eyes, weight, height, records of violations, arrests, and accidents. These records also include expiration dates of Motor Vehicle Operator permit, any limitations imposed on its use and the results of the annual review of each driving record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471.

PURPOSE(S):

These records are used as a basis for issuing a SF-46 "U.S. government Motor Vehicle Operator's Identification Card", to evaluate its use, and to revoke it when appropriate. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system of records may be used:

(1) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(3) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(4) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of

records, the Department will make such records available.

(5) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(6) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(7) By the Office of Personnel Management in carrying out its functions.

(8) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(9) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Stored in Official Personnel Folder, in file folders, and index cards.

RETRIEVABILITY:

Records are retrievable by name. They may also be used for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions.

SAFEGUARDS:

Access to and use of these records are limited to personnel whose official

duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained for three years after the individual's government motor vehicle operator's permit expires, or the individual leaves the Department, and are then destroyed. (See HHS Personnel Instruction 293-1, Exhibit S293-1-1, item 24.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers of the Department shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Personnel officers in organizational units in which employed or systems managers shown above. Individual should provide name and organization in which employed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the officials at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained: (1) from information supplied by the individual, or (2) derived from information supplied by the individual, or (3) from information supplied by officials of the Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0017

SYSTEM NAME:

Pay, Leave and Attendance Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Pay Systems Division, Department of Health and Human Services, 330 Independence Avenue SW., Washington, D.C. 20201.

Payroll Liaison Representatives. See Appendix 1, Timekeepers in organizational units serviced by Payroll Liaison Representatives shown in Appendix 1. Personnel offices shown in HHS System 09900006, Applicants for Employment Records, Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All paid employees of the Department of Health and Human Services including PHS Commissioned Corps Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to pay and leave determinations made about each employee of the Department of Health and Human Services. In addition to the name of the employee, the system includes information such as the employee's date of birth, social security number, home address, grade or rank, employing organization, timekeeper number, salary, Civil Service retirement fund contributions, pay plan, number of hours worked, annual and sick leave accrual rate and usage, annual and sick leave balance, FICA withholdings, Federal, state and city tax withholdings, Federal Employees Government Life Insurance withholdings, Federal Employees Health Benefits withholdings, garnishment documents, savings allotments, union and management association dues withholdings allotments, savings bonds allotments, and Combined Federal Campaign allotments; for Commissioned Corps Personnel, information such as the following is included: years of service, payroll number, base pay, incentive pay, hazardous pay, allowances and Servicemen's Group Life Insurance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5501 et seq., 5525 et seq., 6301 et seq.; 42 U.S.C. 201 et seq.; and Pub. L. 90-83.

PURPOSE(S):

Records in this system are used to insure that each employee receives the proper pay and allowances; that proper reductions and authorized allotments are made from employees' pay; and that employees are credited and charged with the proper amount of sick and annual leave. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system of records is used or may be used.

(1) To prepare W-2 Forms to submit to the Internal Revenue Service and to disclose to state and local government agencies having taxing authority pertinent records relating to employees, including name, home address, social security number (in accordance with Section 7 of Pub. L. 93-579), earned income, and amount of taxes withheld.

(2) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(3) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(4) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such

violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(5) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(6) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(7) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(8) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(9) By the Department of Labor to make compensation determination in connection with a claim filed by the employee for compensation on account of a job-connected injury or disease.

(10) To respond to court orders for garnishment of an employee's pay for alimony or child support.

(11) To respond to orders from IRS for garnishment of an employee's pay for Federal income tax purposes.

(12) To the Department of Treasury for the purposes of preparing and issuing employee salary and compensation checks and U.S. Savings Bonds.

(13) By state offices of unemployment compensation in connection with claims filed by former HHS employees for unemployment compensation.

(14) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(15) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United

States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(16) By financial organizations designated to receive labor organization or management association dues withheld from employee's pay, in order to account for the amounts of such withheld dues which they receive.

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

STORAGE:

Magnetic tape, microfilm, punch cards and forms.

RETRIEVABILITY:

Records are maintained by pay period and are retrievable by name, SSN and Timekeeper number within each pay period. Records are also used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies, and for other purposes compatible with the intent for which the records system was created.

SAFEGUARDS:

Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records submitted by the individual, such as allotment authorization forms, home address forms, and tax withholding forms are retained until superseded by new forms or until the individual leaves the Department. Most of these records are then destroyed. Some of these records must be retained for an additional period, or forwarded to the new employing agency. Time and attendance records are retained for five years and are then destroyed. The automated payroll master record, established when the individual is first employed and continually updated throughout the period of his or her employment, is retained until the individual leaves the Department.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Pay Systems Division, P.O. Box 1825, Washington, D.C. 20013.

NOTIFICATION PROCEDURE:

An individual may contact the system manager. An individual also may contact, as appropriate, Payroll Liaison Representatives in Appendix 1 or Personnel Officers shown in HHS System 09900006, Applicants for Employment Record, Appendix 1. Provide name, social security number, timekeeper number and pay period about which inquiring.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.).

RECORD SOURCE CATEGORIES:

Information in this system of records is (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by timekeepers and other Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

Office of the Secretary

Payroll Liaison Officer, Room 4355 HHS North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201

Health Care Financing Administration

Payroll Liaison Officer, HCFA, East Low Rise Building, P.O. Box 17255, Baltimore, MD 21203

Office of Human Development Services

Payroll Liaison Officer, Room 347 D, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC 20201

Office of Child Support Enforcement

Payroll Liaison Officer, Room 1010 Beltway View Bldg., 6110 Executive Blvd., Rockville, MD 20852

Social Security Administration Headquarters

Payroll Liaison Officer, SSA Headquarters, Room L 1100 West Low Rise Bldg., 6401 Security Blvd., Baltimore, MD 21235
 Payroll Liaison Officer, SSA, ORS, Universal Bldg., Room 934, 1975 Connecticut Ave., NW., Washington, D.C. 20009

Regional Offices

Region I, Payroll Liaison Officer, JFK Federal Bldg., Room 1503, Government Center, Boston, MA 00203
 Region II, Payroll Liaison Officer, Personnel Support Branch, Room 39-120, 26 Federal Plaza, New York, NY 10007
 Region III, Payroll Liaison Officer, P.O. Box 13716, Philadelphia, PA 19101
 Region IV, Payroll Liaison Officer, 101 Marietta Tower, Suite 1601, Atlanta, GA 30331
 Region V, Office of Personnel 31st Floor, Payroll Liaison Officer, 300 South Wacker Drive, Chicago, IL 60606
 Region VI, Regional Personnel Office, Room 1035, 1200 Main Street, Dallas, TX 75020
 Region VII, Payroll Liaison Officer, Regional Personnel Office, 601 E 12th Street, Kansas City, MO 64106
 Region VIII, Payroll Liaison Officer, Federal Office Building, Room 1028, 19th and Stout Street, Denver, CO 80294
 Region IX, Regional Personnel Office, Room 138A, 50 United Nations Plaza, San Francisco, CA 94102
 Region X, Payroll Liaison Officer, Regional Personnel, Arcade Plaza Bldg., Mail Stop 627, 1321 Second Avenue, Seattle, WA 98007
 Regional Personnel Branch Office, Payroll Liaison Officer, 24000 Avila Road, 5th Floor, Laguna Niguel, CA 92677
 Regional Personnel Branch Office, Payroll Liaison Officer, 1301 Superior Avenue—Suite 240, Cleveland, OH 44114

Social Security Administration Program Centers

Mid Atlantic, Payroll Liaison Officer, Program Service Center, P.O. Box 3579, Philadelphia, PA 19122
 Great Lakes, Payroll Liaison Officer, Program Service Center, 600 West Madison St., Chicago, IL 60606
 Southeastern, Payroll Liaison Officer, Birmingham Program Service Center, P.O. Box 10364, Birmingham, AL 35202
 North Eastern Payroll Liaison Officer, Program Service Center, 9605 Horace Harding Expressway, Flushing, NY 11368
 Mid-American, Payroll Liaison Officer, Program Service Center, 601 East 12th Street, Kansas City, MO 64106
 Western, Payroll Liaison Officer, Richmond Personnel Operations Center, Program Service Center, P.O. Box 2431, Richmond, CA 94802

Social Security Administration District Offices

New York, SSA, Payroll Liaison Officer, 26 Federal Plaza Room 40-114, New York, NY 10007
 Philadelphia, SSA, Payroll Liaison Officer, P.O. Box 13716 Philadelphia, PA 19101
 Chicago, SSA, Payroll Liaison Officer, 300 South Wacker Drive, Chicago, IL 60606

Kansas City, SSA, Payroll Liaison Officer, 601 E 12th Street, Kansas City, MO 64106
 San Francisco, Payroll Liaison Officer, Room 138A, 50 United Nations Plaza, San Francisco, CA 94102
 Cleveland, SSA, Payroll Liaison Officer, 1301 Superior Avenue—Suite 240, Cleveland, OH 44114
 SSA, Wilkes Barre Data Operations Center, Room 903, VA Bldg., 19 N. Main Street, Wilkes Barre, PA 18701
 SSA Data Operations Center, Payroll Liaison Officer, P.O. Box 4429, Station A, Albuquerque, NM 87106
 Boston, SSA, Payroll Liaison Officer, SSA, Room 1105, JFK Bldg., Government Center, Boston, MA 02203
 Atlanta, SSA, Payroll Liaison Officer, 101 Marietta Tower, Suite 1601, Atlanta, GA 30331
 Dallas, SSA, Payroll Liaison Officer, Room 1035, 1200 Main Street, Dallas, TX 75020
 Denver, SSA, Payroll Liaison Officer, Federal Office Building, Room 1196, 19th and Stout Street, Denver, CO 80294
 Seattle, SSA, Payroll Liaison Officer, Regional Personnel, Arcade Plaza Bldg., Mail Stop 627, 1321 Second Avenue, Seattle, WA 98007
 SSA, Record Center, P.O. Box 25, Boyers, PA 16020
 SSA Data Operations Center, Payroll Liaison Officer, 100 East Alvin Drive, Salinas, CA 93906
 SSA, Office of Hearings and Appeals, Room 102, Braedon Building, 3833 Fairfax Drive, Arlington, VA 22203

Public Health Service

Center for Disease Control, Payroll Liaison Officer, Personnel Management Office, 1600 Clifton Road NE., Atlanta, GA 30333
 National Inst. of Environmental Health Services Payroll Liaison Officer, P.O. Box 12233, Research Triangle Park, NC 27709
 Food & Drug Administration, Payroll Liaison Officer, HFA 125 Parklawn Bldg., Room 1182, 5600 Fishers Lane, Rockville, MD 20857
 Alcohol, Drug Abuse and Mental Health Administration, Payroll Liaison Officer, Room 1397, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857
 National Institute of Health, Payroll Liaison Officer, Bldg. 31, Room B1B 30, 9000 Rockville Pike, Bethesda, MD 20014
 Health Resources and Services Admin & Office of Asst. Sec. for Health, Payroll Liaison Officer, Room 1649, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852
 CDC, NIOSH, Payroll Liaison Officer, Financial Management Branch, Parklawn Bldg. 8A-10, 5600 Fishers Lane, Rockville, MD 20857

Indian Health Service

Payroll Liaison Officer, Indian Health Service Area Office, Room 215, Federal Building, Aberdeen, SD 57401
 Payroll Liaison Officer, Albuquerque Indian Health Service, Federal Office Building and U.S. Courthouse, Room 4005, 500 Gold SW., Albuquerque, NM 87101
 Payroll Liaison Officer, Alaska Area Native Health Service, Area Personnel and Training Branch, P.O. Box 7-741, Anchorage, AK 99501

Payroll Liaison Officer, Phoenix Area Indian Health Service, 3738 N. 16th Street, Suite A, Phoenix, AZ 85014
 Payroll Liaison Officer, Oklahoma City Area Indian Health Service, 388 Old Post Office & Courthouse Bldg., Oklahoma City, OK 73102
 Payroll Liaison Officer, Indian Health Service, 1220 SW. 3rd Avenue, Room 476, Portland, OR 97204
 Payroll Liaison Officer, Indian Health Service Area Office, P.O. Box 2143, Billings, MT 59101
 Payroll Liaison Officer, Navajo Area Indian Health Service, P.O. Box G, Attn: Financial Management Branch, Window Rock, AZ 86515
 Payroll Liaison Officer, Indian Health Service, Data Processing Center, 2401 12th Street NW.—Room 3N, Albuquerque, NM 87198
 Payroll Liaison Officer, Phoenix Indian Medical Center, 4212 N. 16th St., Phoenix, AZ 85016
 Payroll Liaison Officer, Office of Research and Development, P.O. Box 11340, Tucson, AZ 85734
 Payroll Liaison Officer, Gallup Indian Medical Center, P.O. Box 1337, Gallup, NM 87301

Public Health Service Hospitals

Payroll Liaison Officer, St. Elizabeth's Hospital, Room 101 E. Building, 2700 Martin Luther King Ave., SE., Washington, D.C. 20032
 Payroll Liaison Officer, USPHS Hospital, Carville, LA 70721

Department of Education

Payroll Liaison Officer, National Institute of Education, Financial and Data Division, Room 710D, 1200 19th Street, Washington, D.C. 20208
 Payroll Liaison Officer, Department of Education, Hdqtrs., Room 3092, 400 Maryland Ave., SW., Washington, D.C. 20201

09-90-0018

SYSTEM NAME:

Personnel Records in Operating Offices, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Operating Offices of the Department at the organizational level of the individual's employment. Such offices are located within organizational components serviced by personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to personnel actions

and determinations made about an individual while employed. These records may contain information about an individual relating to name; birth date; home address; telephone number; emergency address; social security number; veterans preference; tenure; work connected injuries; employment history; qualifications background; past and present salaries, grades and position titles; training; awards and other recognition; counseling; performance appraisal; conduct; pay and leave; and data documenting reasons for personnel actions, decisions or recommendations made about an employee; and background data and documentation leading to an adverse action or other personnel action being taken against an employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 2951, 4118, 4308, 4506, 7501, 7511, 7521 and Executive Order 10561.

PURPOSE(S):

These records are used by operating officials in carrying out their personnel management responsibilities. They may be used in this connection in recommending or taking personnel actions such as appointments, promotions, reassignments, within-grade increases, adverse actions; as a basis for employee training, recognition, or disciplinary actions; and as a basis for staffing and budgetary planning and control, organizational planning, and manpower utilization purposes. These records are maintained in each component of the Department.

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

Information in these records may be used:

(1) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(2) In the event an appeal is made outside the Department, records which are relevant may be referred to the appropriate agency charged with rendering a decision on the appeal.

(3) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or

order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(4) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(5) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(6) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(7) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(8) Where a contract between a component of the Department and a

labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(10) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(11) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in file folders, magnetic tape, and index cards.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, social security number, or identification number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are retained until there is no further administrative need to retain them, or the individual leaves the jurisdiction of the operating office, and are then either destroyed, or, if appropriate, are combined with the Official Personnel Folder, which is

forwarded to the hiring Federal agency or, if the employee is leaving Federal service, to the National Personnel Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers of the Department. See Applicants for Employment Records, HHS System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Immediate supervisors of individuals or the administrative offices of the organizational units in which employed. The system manager shown above may also provide further information concerning the existence of this system of records. Individuals should provide their name, social security number, and organization in which employed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies, is derived from information supplied by the individual, or is provided by Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Note.—When supervisors/managers retain personal "supervisory" notes, i.e., information on employees, over which the agency exercises no control and does not require in its performance appraisal system, which remain for the personal use of the author and are not provided to any other persons, which are retained or discarded at the author's sole discretion, and which are not used in appraising an employee or in determining any rights, benefits or privileges of an employee, such notes are mere extensions of the supervisor's memory which are not subject to the Privacy Act and, therefore, not considered part of this system. If any of the above conditions are broken, these notes are no longer mere extensions of the supervisor's memory and become records

subject to the Privacy Act in this system notice or another appropriate system notice.

09-90-0019

SYSTEM NAME:

Special Employment Program Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel Offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and operating offices in organizational units services by those personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal employees of the Department who are participating in special employment programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an employee's participation in special employment programs such as the Upward Mobility College, START, STRIDE, ACCESS, Worker Trainee Opportunity, Junior Fellows, Management Intern, Personnel Intern and the HHS Fellows Program. Examples of information which this records system may contain include the employee's name, SSN, program enrolled in, employing agency, grade, job title, job series, sex, date of birth, status, education background, handicap code, application for employment, position description, assignment evaluations, Veterans preference, job counseling records, and letters of reference and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5. U.S.C. 1301, 3301, 7151 et seq., Executive Order 11813.

PURPOSE(S):

Records are used by personnel offices and operating officials to select individuals for and monitor their progress in special employment programs; employee development and career planning; and as a basis for taking personnel actions. These records are maintained in each component of the Department.

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

Information in this system may be used:

(1) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment

Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(2) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(3) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(4) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(5) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights

Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(6) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(7) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(8) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(9) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purposes for which the records collected.

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

STORAGE:

Information in this system of records is maintained in file folders, data tape and punch cards.

RETRIEVABILITY:

Records are retrievable by name and SSN.

SAFEGUARDS:

Access and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are retained for two years after the individual's participation in a special placement program ends, and

are then destroyed. (See HHS Personnel Instruction 293-1, Exhibit X293-1-2, item 9.)

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officers shown in Applicants for Employment Records, HHS System 09900006, Appendix 1, who service organizational units in which the participant is employed.

NOTIFICATION PROCEDURE:

Same as above. Individuals should include their name, SSN, grade, title, and organization when contacting the system manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) *Federal Register*, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) *Federal Register*, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by Department officials.

09-90-0020

SYSTEM NAME:

Suitability for Employment Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel Offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an individual's suitability for employment in terms of character, reputation and fitness, including letters of reference, responses to pre-employment inquiries. National

Agency Checks and Inquiries material received from the Office of Personnel Management and Merit Systems Protection Board including its Office of the Special Counsel relating to non-sensitive positions, qualifications and character investigations, and other information which may relate to the suitability of the individual for the position.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5. U.S.C. 3301, 3302, 7301; Executive Order 10577; Executive Order 11222.

PURPOSE(S):

Records in this system are used by designated appointing and selecting authorities to make determinations concerning an individual's suitability for employment. These records are maintained in each component of the Department.

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

Information in these records may be used:

(1) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(2) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(4) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current

licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(5) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(6) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(8) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(9) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(10) In the event of litigation where the defendant is (a) the Department, any

component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by any combination of name, date of birth, Social Security Number, or identification number.

SAFEGUARDS:

Records are maintained in confidential files and are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records from the Office of Personnel Management and Merit Systems Protection Board including its Office of the Special Counsel concerning applicants for or incumbents of nonsensitive positions, are retained until a decision is reached on whether to hire or retain the applicant or incumbent, and are then destroyed. Other records in this system are retained until there is no further administrative need for them, the individual leaves the Department, or one year has elapsed, and are then destroyed. (See HHS Personnel Instruction 293-1, Exhibit x293-1-2, items 1 and 2.)

SYSTEM MANAGER(S) AND ADDRESS:

Heads of personnel offices which service organizational units in which individual is employed or in which he/she applied for employment. See Applicants For Employment Records, HHS, System 09900006, Appendix 1.

NOTIFICATION PROCEDURE:

Same as above, individuals should indicate name, Social Security Number, date of birth, and organization in which

employed, or to which they applied for employment.

RECORD ACCESS PROCEDURES:

Current Department employees or applicants should contact the appropriate system manager shown above. Former Department employees who are employed by the Federal Government who wish to gain access or contest the records maintained on them while employed by the Department should contact the appropriate official of their current employing agency in accordance with the appropriate records system notice of that agency. Former Department employees who have separated from Federal service should direct a request to: National Personnel Records Center, General Services Administration, 111 Winnebago Street, St. Louis, Missouri 63118.

Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from:

Applications and other personnel and security forms furnished by the individual.

Information furnished by other Federal agencies.

Information provided by sources such as employers, schools, references, former employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from the above record system except when in accordance with the provisions of 5 U.S.C. 552a(k)(5); 1. disclosure of such information would reveal the identity of a source who furnished information to the Government under a express promise that the identity of the source would be held in confidence, or 2. if the information was obtained prior to the effective date of Section 3, Pub. L. 93-579, disclosure of such information would reveal the identity of a source

who provided information under an implied promise that the identity of the source would be held in confidence. (45 CFR 5b.11.)

09-90-0021

SYSTEM NAME:

Training Management Information System, HHS/OS/ASPER

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Assistant Secretary for Personnel Administration, Department of Health and Human Services, 200 Independence Ave., S.W., Washington, D.C. 20201.

Personnel offices shown in Applicants for Employment Records, HHS System 09900006, Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees who receive training in a course which was more than 8 hours in length and which was authorized under the authority of the Government Employees Training Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Training Management Information System consists of a variety of records relating to training received by an employee. In addition to the name of the employee, the system includes information about the employee's Social Security Account Number, position title, grade, salary, pay plan, series, tenure, years of continuous service, nature of training taken, cost of training and dates of training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101 et seq.; Executive Order 11348.

PURPOSE(S):

Records in this system are used to maintain a history of employee training, to help determine future training needs, to evaluate the Department's training program, and for audit and budgetary planning purposes. These records are maintained in each component of the Department.

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

Information in this system of records is used:

(1) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or

order issued pursuant thereto, the relevant records, in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(3) In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use of the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(4) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(5) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(6) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(7) By the Office of Personnel Management in carrying out its functions.

(8) To other Federal agencies or private organizations to authorize training.

(9) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

(10) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Data tape.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, SSN or transaction number.

SAFEGUARDS:

The information is available only to authorized personnel. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained in the automated data file until the individual leaves the Department.

SYSTEM MANAGER(S) ADDRESS:

Deputy Assistant Secretary for Personnel
Office of the Assistant Secretary for Personnel Administration
Department of Health and Human Services,
200 Independence Avenue, S.W.,
Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Contact the Deputy Assistant Secretary for Personnel or the personnel office shown in Applicants for Employment Records, HHS System 09900006, Appendix 1, which services the organizational unit in which the individual is employed. The individual

should indicate name, position title, grade and series and organization in which located.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requester should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) Federal Register, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of record is: (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by Department or by source of training officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0022

SYSTEM NAME:

Volunteer EEO Support Personnel Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Deputy Assistant Secretary for EEO, 200 Independence Avenue, S.W., Washington, D.C. 20201. Office of the designated EEO Officers. See Discrimination Complaints Records System. HHS System 09900009, Appendix 01 for exact locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have volunteered or have been proposed for duty as EEO Counselors and discrimination complaint investigators on a part-time basis.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents concerning the personal characteristics of EEO counselors and investigators. The records consist of the name and other identifying data, title, location, training received, information concerning

qualifying background, case assignments, and evaluations of EEO counselors and investigators serving on a part-time basis, and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478, Pub. L. 92-261, Pub. L. 93-259.

PURPOSE(S):

These records are used to identify, locate, and determine the availability of volunteer counselors and investigators for assignment; to determine training needs of counselors and investigators. These records are maintained in each component of the Department. See "Retrievability" below.

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

These records and information in the records may be used:

(1) To provide resource to another Federal Agency, in response to its request for loan of investigators or counselors.

(2) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

(3) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(4) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 or 5 U.S.C. Chapter 71 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(5) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise, refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(6) By the Office of Personnel Management, Merit Systems Protection Board (including its office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses Panel) in carrying out their functions.

(7) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(8) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

These records are maintained in file folders, binders and index cards.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained. They may be used: to provide information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; and to locate specific individuals for personnel research or other personnel management functions.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require access.

RETENTION AND DISPOSAL:

The records are maintained up to one year after volunteer has terminated his services, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

See Discrimination Complaints Records System, HHS System 09900009, Appendix 1 for General Coordinator and appropriate Immediate System Manager.

NOTIFICATION PROCEDURE:

Individuals who have volunteered or been proposed as counselor or investigators are aware of that fact and the information contained in the record. They may, however, write the immediate system manager or coordinator indicated above regarding the existence of such records pertaining to them. The inquirers, as appropriate, should provide to the immediate system manager or coordinator, their name, agency in which they were proposed or served when making inquiries about records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) *Federal Register*, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) *Federal Register*, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

- Individuals to whom the record pertains
- Department or other officials
- Official documents relating to appointments and case assignments as counselors and investigators
- Correspondence for specific persons or organizations
- Formal reports submitted by the individual in the performance of official volunteer work.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0036

SYSTEM NAME:

Employee Suggestion Program Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

This system is located in employee suggestion offices of the Department. See Appendix 1 for exact locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made suggestions in OS and in Operating Divisions of the Department; and/or suggestions made by individuals in other Federal Departments requiring an HHS evaluation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Suggestions, evaluations of suggestions, name and address of individuals submitting suggestions, other identifying information such as salary and grade, including position title, and, optionally, a social security account number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4501 et seq.

PURPOSE(S):

Records in this system are used to control, evaluate, and make award determinations on employee suggestions. These records are maintained in each component of the Department.

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

To the Office of Personnel Management for information, possible award. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

The records are maintained in standard sized file cabinets.

RETRIEVABILITY:

The records are indexed in alphabetical order by the name of the employee submitting the suggestion.

SAFEGUARDS:

Direct access restricted to authorized staff.

RETENTION AND DISPOSAL:

After final action, suggestion records are maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix 1 for overall system manager and immediate system managers.

NOTIFICATION PROCEDURE:

Contact the appropriate system manager indicated in Appendix 1.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, 5b.5(a)(2)) *Federal Register*, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) *Federal Register*, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Incoming suggestions, responses, evaluations and other material obtained during course of adjudication.

Appendix 1

List of System Managers and Locations for Employee Suggestion Matters.

Overall System Manager:

Employee Suggestion Officer, Room 1232,
Switzer Building, 330 C St., SW.,
Washington, D.C. 20201

Immediate System Managers:

Employee Suggestion Officer, Social Security Administration, G-110 West High Rise,
Maryland 21235

Employee Suggestion Officer, Health Care Financing Administration, GP3, East Low

Rise, 6401 Security Blvd., Baltimore, Maryland 21235

Employee Suggestion Officer, Office of Human Development Services, Humphrey Building, Room 345D, 200 Independence Ave. SW., Washington, D.C. 20201

PHS OASH Employee Suggestion Officer, 17-75 Parklawn Building, Rockville, Maryland 20857

CDC Employee Suggestion Officer, 1600 Clifton Road NE., Building 1, 8062, Atlanta, Georgia 30333

FDA Employee Suggestion Officer, 5600 Fishers Lane, Room 9-57, Rockville, Maryland 20857

HRSA Employee Suggestion Officer, Room 14A-30 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

ADAMHA Employee Suggestion Officer, 12C-05 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

NIH Employee Suggestion Officer, Building 31, Room 3-B-07, Bethesda, Maryland 20205

Regional Employee Suggestion Officer, Region I, Department of Health and Human Services, John F. Kennedy Federal Building, Government Center—Room 2411, Boston, Massachusetts 02203

Regional Employee Suggestion Officer, Region II, Department of Health and Human Services, Regional Personnel Office, Operations Branch II, Room 39-120, 26 Federal Plaza, New York, New York 10007

Employee Suggestion Officer, Region III, Department of Health and Human Services, 3535 Market Street, Room 9400, Philadelphia, Pennsylvania 19101

Employee Suggestion Officer, Region IV, Department of Health and Human Services, 101 Marietta Towers, Room 1601, Atlanta, Georgia 30323

Employee Suggestion Officer, Region V, 31st Floor, 300 S. Wacker Drive, Chicago, Illinois 60606

Employee Suggestion Officer, Region VI, Department of Health and Human Services, 1200 Main Towers, Room 1000, Dallas, Texas 75202

Employee Suggestion Officer, Region VII, Department of Health and Human Services, Room 468, 601 E. 12th Street, Kansas City, Missouri 64106

Employee Suggestion Officer, Region VIII, Department of Health and Human Services, Federal Office Building, Room 1031, 1961 Stout Street, Denver, Colorado 80294

Employee Suggestion Officer, Region IX, Department of Health and Human Services, Federal Office Building, Room 419, 50 United Nations Plaza, San Francisco, California 94102

Employee Suggestion Officer, Region X, Department of Health and Human Services, Arcade Plaza, Room 6039, 1321 Second Avenue, Seattle, Washington 98101

09-90-0059

SYSTEM NAME:

Federal Advisory Committee

Membership Files, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Department and component committee management offices. See Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been or are presently members of or are being considered for membership on advisory committees within the jurisdiction of the Department of Health and Human Services. Additionally the system of records contains information about members of the public who have requested that they receive various publications through the inclusion of their names and addresses on various mailing lists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained on those individuals who have requested participation on mailing lists is limited to name and mailing address. Information maintained on individuals who are past, present, or recommended members of advisory committees subject to this notice consists of one or more of the following name, title, sex, place and date of birth, home address, business address, organizational affiliation, phone number, degrees held, general educational background, ethnic background, resume, curriculum vitae, dates of term on advisory committee, status on advisory committee, reason for leaving advisory committee, previous or current membership on other advisory committees, special qualifications of the individual for the advisory committee membership, source who recommended the individual for membership on advisory committee and miscellaneous correspondence. Additionally, memoranda justifying the individual's selection are included in the file in cases in which the individual has served repetitively on advisory committees, has not had a one-year break in service on advisory committees, or where various statutory or other requirements for advisory committee membership cannot be met.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Advisory Committee Act (5 U.S.C. App. I et seq.).

PURPOSE(S):

Records in this system are used in the administration and management of Federal advisory committees in the Department, including the preparation of

reports; quarterly alphabetical listings of past, present, and recommended advisory committee members; lists of vacancies, acceptances, and separations; and documentation of nominations. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Annual Report to the President; administrative reports to OMB and GSA.

In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected. Disclosure may be made to a congressional office from the Record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Records are maintained in hard-copy filed in file cabinets, on index cards, on magnetic tape, or in computer storage.

RETRIEVABILITY:

For the most part records are maintained in an alphabetical index by name of the individual. Certain files are based on other factors, e.g., Advisory Committee name, with a cross index based on an alphabetical listing of individuals. Certain other records are retrievable by individually identifiable computer identification codes. Certain of the mailing lists which are maintained are indexed by ZIP Code and within zone by alphabetical listing by name of the individual. Records from the system are available to the staffs of the respective Advisory Committees, the Committee Management Officers, the Departmental Committee Management Officer and other Departmental staff on a need-to-know basis.

SAFEGUARDS:

Direct access to records is restricted to authorized personnel through locked files, rooms, and buildings as well as building pass and security guard sign-in systems. Certain facilities are also protected by closed circuit television systems. Computer systems are secured through locked magnetic tape libraries as well as lockword-password computer access systems.

RETENTION AND DISPOSAL:

Retention is variable from one year to permanent retention depending upon the type of record, e.g., names of former members of advisory committees are retained permanently. Certain records are disposed of by referral to the Federal Records Center. Others are disposed of as trash by the system manager or office of security depending upon the confidentiality of the information contained on the record.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix 1.

NOTIFICATION PROCEDURE:

Same as above with the exception of Food and Drug Administration, contact: FDA Privacy Coordinator (HF-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Verification of identification of individuals inquiring as to information contained in this System shall be in accordance with the procedures outlined in regulations published by the

Department of Health and Human Services to implement the Privacy Act.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2)) **Federal Register**, October 8, 1975, page 47410.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) **Federal Register**, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

The vast majority of information contained in records on individuals is obtained directly from the individual. Other information in the form of references and recommendations is obtained from other private individuals, program personnel, biographical reference books, private organizations, former employers, regional office of HHS, Members of Congress, and other government sources.

Appendix 1

Department of Health and Human Services, Department Committee Management Officer, Mary Switzer Building, Room 2319, 330 Independence Ave., SW., Washington, D.C. 20201

Alcohol, Drug Abuse, and Mental Health Administration, Office of the Administrator, Committee Management Officer, Room 13-103, 5600 Fishers Lane, Rockville, Maryland 20857

Centers for Disease Control, Committee Management Officer, Management Analysis Branch, Building 4, Room 225, 1600 Clifton Road, N.E. Atlanta, Georgia 30333

Food and Drug Administration, Office of Management and Operations, Division of Management Systems and Policy, Committee Management Office, Room 12-21, 5600 Fishers Lane, Rockville, MD 20857

Health Care Financing Administration, Records Committee Management Officer, Bay A-1, 1710 Gwynn Oak Avenue, Baltimore, Maryland 21235

Health Resources and Services Administration, Office of Program Policy Coordination, Committee Management Officer, Parklawn Building, Room 14-05, 5600 Fishers Lane, Rockville, Maryland 20857

National Institutes of Health, Committee Management Officer, National Institutes of Health, Building 01, Room 303, Bethesda, Maryland 20205

Social Security Administration, OMBP, Office of Management, Budget and Personnel, Committee Management Officer, Room 828, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235

Office of the Assistant Secretary for Health, OASH Committee Management Officer, Parklawn Building, Room 17-69, 5600 Fishers Lane, Rockville, Maryland 20857

Office of the Assistant Secretary for Planning and Evaluation, Committee Management Officer, Room 405-F, HHH Building, 200 Independence Ave., S.W., Washington, D.C. 20201

Office of the Assistant Secretary for Human Development Services, Committee Management Officer, Room 308-E, HHH Building, 200 Independence Ave., S.W., Washington, D.C. 20201

09-90-0069

SYSTEM NAME:

Unfair Labor Practice Records, HHS/OS/ASPER.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel Offices of the Department shown in Applicants for Employment Records, HHS System 09900006, Appendix 1 and offices of operating officials in organizational units serviced by those Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current HHS employees and union officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a variety of records relating to an unfair labor practice charge. Examples of information which may be included in this system are the employee's name, Social Security Number, grade, job title, employment history and a variety of work and personnel records associated with the charges and required under proceedings established by Title 5, United States Code, Chapter 71 and Department of Labor Regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11491, as amended, 5 U.S.C. Chapter 71.

PURPOSE(S):

These records are used to initiate, make a determination on, and document a decision made on unfair labor practice charges filed by an employee or union official. These records are maintained in each component of the Department. See also "Retrievability" below.

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

Information in this system may be released to:

1. Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Service Impasses panel) in carrying out their functions;

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosures is compatible with the purpose for which the records were collected.

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

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrievable by name. Information from this system may be used by Department officials for preparing statistical summary or management reports.

SAFEGUARDS:

Records are stored in lockable metal file cabinets. Access to and use of these records are limited to personnel who have a need for the records in performance of official duties.

RETENTION AND DISPOSAL:

The case files are maintained as long as they may be pertinent for purposes of precedent or as management information devices. When no longer useful for such purposes, they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officer shown in Appendix 1 of Applicants for Employment Records, HHS System 09900006, who services the organizational unit in which the individual is employed.

NOTIFICATION PROCEDURE:

Contact the systems manager and provide name, approximate date of record, the unfair labor practice charge as specified by the complainant, and management component in which the charge was filed.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) *Federal Register*, October 8, 1975, page 47410.)

CONTESTING RECORDS PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested and state the corrective action sought and the reasons for the correction. (These procedures are in accordance with Department Regulations (45 CFR 5b.7) *Federal Register*, October 8, 1975, page 47411.)

RECORD SOURCE CATEGORIES:

Information in this system of records is:

1. Supplied directly by the individual, or
2. Derived from information supplied by the individual, or
3. Supplied by testimony of witnesses, or
4. Supplied by union officials, or
5. Supplied by Department officials.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-90-0095

SYSTEM NAME:

Management Information System Efficiency Report (Miser), HHS/ASPER/OPSI and OCAM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Personnel Systems Integrity (OPSI), Room 2411, 330 Independence Avenue, S.W., Switzer Building, Washington, D.C. 20201

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment, current, or former employees, who have a formal grievance, reconsideration, merit systems complaint, or EEO complaint against the agency or agency official. Names of investigator, examiner, contractor, and/or clerical support person, who are involved in case processing.

CATEGORIES OF RECORDS IN THE SYSTEM:

The automated and manual records contain: grievant or complainant's name, grade, series, organizational unit, city, state, race, sex, type of case, issue, basis; action on case/ dates filed, received, assigned, referred to EEO or contractor, investigated, adjudicated, hearing held, report written and typed, closed; type of finding; weekly monthly, and yearly production and processing times; names of investigator, examiner, contractor, and/or clerical support staff assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478, 42 U.S.C. 2000e, 29 U.S.C. 633a, 5 U.S.C. 1302, 3301, 3302, Executive Order 10577; Executive Order 11787.

PURPOSE(S):

Information in this system of records is used for case management, control, and manpower planning (to prepare processing time reports, identify backlogs and case processing problems, staff utilization, budget estimations, appraise employee performance and productivity, formulate or renegotiate performance objectives).

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

Disclosure may be made:

1. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
2. To the Department of Justice for the purposes of obtaining its advice, when desirable or necessary, to determine whether particular records are required to be disclosed under the Freedom of Information Act.
3. In the event of litigation where the defendant is (a) the Department of Health and Human Services (DHHS), any component of DHHS or any employee of DHHS in his or her official capacity; (b) the United States where DHHS determines that the claim, if successful, is likely to directly affect the operations of DHHS of any of its components; or (c) any DHHS employee

in his or her individual capacity where the Justice Department has agreed to represent such employee. DHHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

4. The Equal Employment Opportunity Commission to refine the complaints processing procedure and to provide technical assistance to Federal agencies and Departments as it relates to the efficiency and effectiveness of their complaints system.

5. The Office of Management and Budget to make a detailed and accurate assessment of the complaint's program cost effectiveness.

6. The Merit System Protection Board (including its Office of the Special Counsel) to investigate alleged violations of merit system principles.

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

STORAGE:

Magnetic tapes, disks, cassette tapes, bond notebooks, paper forms, and index cards in locked file cabinets.

RETRIEVABILITY:

Information is retrieved by names, docket numbers, or any other data elements (e.g., type of cases, organizational unit, dates).

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Records are kept in locked files or a locked room. Data stored in the automated system is accessed through the use of keywords known only to authorized personnel.

RETENTION AND DISPOSAL:

Manual and automated records are destroyed by shredding or erasing after periods varying from 1 to 5 years after resolution for final disposition of the complaint or grievance.

SYSTEM MANAGERS AND ADDRESS:

Director, Office of Personnel Systems Integrity, Room 2046, 330 Independence Avenue, S.W., Switzer Building, Washington D.C. 20201.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him or her by writing to the System Manager and by providing name and

information necessary to identify the record being sought.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record being sought.

CONTESTING RECORD PROCEDURES:

Write to the system manager, and specify the information to be contested, and state the correction action sought and the reasons for the correction.

RECORD SOURCE CATEGORIES:

Investigator, examiner, support staff, and contractor completed status reports; records completed by supervisory staff, intake or control personnel; and, from information on incoming complaint, grievance, or reconsideration.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

[FR Doc. 82-26162 Filed 10-12-82; 6:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Public Health Service, National Institutes of Health, HHS.

ACTION: Privacy Act: Annual republication of notices systems of records.

SUMMARY: The National Institutes of Health (NIH) is publishing this document to meet the requirement of the Privacy Act (5 U.S.C. 552a(e)(4)) to publish a notice describing the existence and character of each system of records at least once a year. This publication covers systems of records for which NIH is responsible.

This publication includes notices for new systems of records which have been published since the 1981 annual compilation. In addition, many of the notices which were published in the last annual publication have been modified to clarify the descriptions and to ensure that they are complete, accurate and timely. None of these changes requires a report of altered system to be sent to the Congress and the Office of Management and Budget. The notices are complete and accurate as of August 13, 1982.

SUPPLEMENTARY INFORMATION: The notices include several changes which have been made since the 1981 annual publication.

A. New Systems of Records. This publication includes the following new system of records which was published and became effective between October 8, 1981, and August 13, 1982:

09-25-0151, Administration: Alert Records Concerning Investigations or Determinations of Misconduct by Current or Potential Recipients of Funds for Biomedical Research, HHS/NIH/OD, published in the *Federal Register*, May 12, 1982, pp. 20381-20383.

B. Deleted Systems of Records. The following systems of records which appeared in the last annual publication have been deleted:

(1) 09-25-0017, Clinical Research: Epidemiology Studies Files, HHS/NIH/NINCDs. (The records in this system have been destroyed.)

(2) 09-25-0024, Clinical Research: Medical Neurology Branch Patients' Medical Histories, HHS/NIH/NINCDs. (The records in this system have been destroyed.)

(3) 09-25-0050, Grants: Trainees Record System, HHS/NIH/NIAD. (This system has been deleted because on review it was determined that this

system was described by two system notices, that for 09-25-0050 and that for system 09-25-0112, Grants: Research, Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD. Since system 09-25-0112 includes other records in addition to those in 09-25-0050, we decided to eliminate 09-25-0050.)

(4) 09-25-0055, Clinical Research: Baltimore Cancer Research Program Patients, HHS/NIH/NCI. (The Program has been abolished and the records in this system have been destroyed.)

(5) 09-25-0095, Contracts: Principal Investigators, Project Officers and Contract Specialists on Carcinogenesis Contracts and Intramural Projects, HHS/NIH/NCI. (The records in this system have been refiled and are no longer retrieved by individual identifiers.)

(6) 09-25-0098, Contracts: Carcinogenesis Extramural Program Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI. (The records in this system have been destroyed.)

(7) 09-25-0114, Contracts: Personal Services Contractors, HHS/NIH/NIGMS. (The records in this system have been refiled and are no longer retrieved by individual identifiers.)

(8) 09-25-0137, Administrations: Medical Library Management Intern Program, HHS/NIH/NLM. (The records in this system have been refiled and are no longer retrieved by individual identifiers.)

C. Routine uses have been modified or deleted in several system notices. The modifications change the wording of the routine uses to make them clearer, but they do not involve or reflect any changes in policies or practices relating to disclosure outside of the agency.

1. In several systems, the routine use allowing disclosure to the Smithsonian Institution has been revised to allow disclosure to the National Technical Information Service, Department of Commerce, because of a change in the policy/procedure of providing this information to the Smithsonian Science Information Exchange. Previously this routine use was worded:

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange.

It has been revised as follows:

Referrals may be made of assignments of research investigators and project monitors to specific research projects to the National Technical Information Service, Department of Commerce, to contribute to the Smithsonian Science Information Exchange.

This modification applies to the following system notices: 09-25-0036; 09-25-0112; 09-25-0135.

2. The routine use allowing disclosure to the Smithsonian Science Information Exchange has been deleted from the following system notices: 09-25-0001; 09-25-0002; 09-25-0009; 09-25-0016; 09-25-0019; 09-25-0020; 09-25-0021; 09-25-0026; 09-25-0028; 09-25-0031; 09-25-0037; 09-25-0038; 09-25-0039; 09-25-0040; 09-25-0042; 09-25-0043; 09-25-0044; 09-25-0053; 09-25-0100; 09-25-0126; 09-25-0134.

The deletion was made because no information on subject individuals has been, needs to be, or will be made from any of these systems to the Information Exchange.

3. A routine use allowing disclosure to the Department of Justice for the purpose of obtaining its advice regarding whether particular records must be disclosed under the Freedom of Information Act has been deleted from the following system notices: 09-25-0126; 09-25-134; 09-25-0142; 09-25-0143; 09-25-0147; 09-25-148; 09-25-0149; 09-25-150.

This routine use was worded:

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

Several years of experience administering records subject to Privacy Act and Freedom of Information Act have shown that there is no need to disclose records containing individual identifiers from any of the systems listed above to the Department of Justice in Freedom of Information Act cases. Therefore the routine use has been deleted from those systems.

4. Routine use provisions allowing disclosures to the General Accounting Office have been deleted in all cases in which they occurred. Such disclosures are allowed by section 3(b)(10) of the Privacy Act. They do not require a routine use.

5. This publication includes new and modified routine uses for system 09-25-0999, Clinical Research: Patient Medical Records, HHS/NIH/CC, which were published in the *Federal Register* on May 11, 1982, pp. 20206-20208.

D. The system notice for system number 09-25-0010 has been changed to reflect a transfer of responsibility from the Office of Research Services (ORS) to the National Cancer Institute (NCI). The scope of this system has been narrowed to cover records related to exposure to microbial agents investigated to

determine if they are cancer-causing. Other records which have been maintained by the Office of Research Services have been destroyed.

E. Procedural safeguards for several systems have been clarified to specify authorized users, physical safeguards and procedural safeguards.

F. We have made editorial changes to correct typographical, spelling and grammatical errors which appeared in the prior annual publication.

Dated: August 18, 1982.

James B. Wyngaarden,
Director.

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- 09-25-0004, Administration: Registry of Individuals Exposed to Chemical Carcinogens, HHS/NIH/ORS.
- 09-25-0005, Administration: Library Circulation and User I.D. File, HHS/NIH/OD.
- 09-25-0007, Administration: NIH Safety Shoes and Safety Glasses Issuance Program, HHS/NIH/ORS.
- 09-25-0008, Administration: Radiation Workers Monitoring, HHS/NIH/ORS.
- 09-25-0009, Clinical Research: Radiotherapy Patient File, HHS/NIH/ORS.
- 09-25-0010, Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI.
- 09-25-0011, Clinical Research: Blood Donor Records, HHS/NIH/CC.
- 09-25-0012, Clinical research: Candidate Normal Volunteer Records, HHS/NIH/CC.
- 09-25-0013, Clinical Research: Preadmission Medical Records, HHS/NIH/CC.
- 09-25-0014, Clinical Research: Student Records, HHS/NIH/CC.
- 09-25-0015, Clinical Research: Collaborative Clinical Epilepsy Research, HHS/NIH/NINCDS.
- 09-25-0016, Clinical Research: Collaborative Perinatal Project, HHS/NIH/NINCDS.
- 09-25-0019, Clinical Research: Genetic Counseling, HHS/NIH/NINCDS.
- 09-25-0020, Clinical Research: Genetic of Neurological Disorders, HHS/NIH/NINCDS.
- 09-25-0021, Clinical Research: Guam Patient/Control Registry, HHS/NIH/NINCDS.
- 09-25-0026, Clinical Research: Nervous System Studies, HHS/NIH/NINCDS.
- 09-25-0028, Clinical Research: Patient Medical Histories, HHS/NIH/NINCDS.
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- 09-25-0037, Clinical Research: Gerontology Research Center Longitudinal Aging Study, HHS/NIH/NIA.
- 09-25-0038, Clinical Research: Patient Data, HHS/NIH/NIADDK.
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- 09-25-0041, Research Resources: Scientists Requesting Hormone Distribution, HHS/NIH/NIADDK.
- 09-25-0042, Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR.
- 09-25-0043, Clinical Research: Pharyngeal Development Patients, HHS/NIH/NIDR.
- 09-25-0044, Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR.
- 09-25-0046, Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID.
- 09-25-0048, Clinical Research: Serology-Epidemiology Parasite Research, HHS/NIH/NIAID.
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- 09-25-0053, Clinical Research: Vision Studies, HHS/NIH/NEL.
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- 09-25-0057, Clinical Research: Burkitt's Lymphoma Registry, HHS/NIH/NCI.
- 09-25-0060, Clinical Research: Division of Cancer Treatment Clinical Investigations, HHS/NIH/NCI.
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- 09-25-0068, Clinical Research: National Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives, HHS/NIH/NCI.
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- 09-25-0074, Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials, HHS/NIH/NCI.
- 09-25-0075, Administration: Principal Investigators Submitting Proposals for Protection from Research Risks, HHS/NIH/OD.
- 09-25-0077, Clinical Research: Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI.
- 09-25-0078, Administration: Consultant File, HHS/NIH/NHLBI.
- 09-25-0084, Administration: Curricula Vitae of Scientists, Consultants, and Board and Commission Members, HHS/NIH/NIADDK.
- 09-25-0087, Administration: Employees and Consultants, HHS/NIH/NIAID.
- 09-25-0088, Clinical Research: Researchers Using H-2 Soluble Antigen and H-2 Antiserum, HHS/NIH/NIAID.
- 09-25-0089, Clinical Research: HLA Antiserum and Tray Users, HHS/NIH/NIAID.
- 09-25-0091, Administration: General Files on Employees, Donors and Correspondents, HHS/NIH/NEL.
- 09-25-0093, Administration: Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI.
- 09-25-0096, Contracts: National Cancer Institute Contract Management System Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI.
- 09-25-0099, Clinical Research: Patient Medical Records, HHS/NIH/CC.
- 09-25-0100, Clinical Research: Neuropharmacology Studies, HHS/NIH/NINCDS.
- 09-25-0102, Administration: Grants Associates Program Working Files, HHS/NIH/DRG.
- 09-25-0105, Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors and Relatives of Inpatients, HHS/NIH/OD.
- 09-25-0106, Administration: Executive Secretariat Correspondence Records, HHS/NIH/OD.
- 09-25-0108, Personnel: Guest Workers/Visiting Fellows/Student Scientists/Scientists Emeriti, HHS/NIH/DPM.
- 09-25-0112, Grants: Research, Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD.
- 09-25-0115, Administration: Curricula Vitae of Consultants and Clinical Investigators, HHS/NIH/NIAID.
- 09-25-0116, Contracts: Medical Consultants Under Professional Services Contracts, HHS/NIH/NIAID.
- 09-25-0117, International Activities: U.S.-Japan Program Panel Members, HHS/NIH/NIAID.
- 09-25-0118, Contracts: Professional Services Contractors, HHS/NIH/NCI.
- 09-25-0121, International Activities: Senior International Fellowships Program, HHS/NIH/FIC.
- 09-25-0123, Clinical Research: Clinical Trials Dealing with Fertility-Regulating Methods, HHS/NIH/NICHD.
- 09-25-0124, Administration: Pharmacology Research Associates, HHS/NIH/NIGMS.
- 09-25-0126, Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI.
- 09-25-0127, Clinical Research: Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemia, HHS/NIH/NICHD.
- 09-25-0128, Clinical Research: Neural Prosthesis & Biomedical Engineering Studies, HHS/NIH/NINCDS.
- 09-25-0129, Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NINCDS.
- 09-25-0130, Clinical Research Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI.

- 09-25-0131, Clinical Research: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI.
- 09-25-0133, Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIAD.
- 09-25-0134, Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences, HHS/NIH/NIHES.
- 09-25-0135, Grants: PROPHET System Applicants Research Prospectuses, HHS/NIH/DRR.
- 09-25-0138, Biomedical Research: Studies of Possible Influence on Cognitive and Emotional Development of Children, HHS/NIH/NICHD.
- 09-25-0140, International Activities: Scientific Visitors at the National Institutes of Health, HHS/NIH/FIC.
- 09-25-0141, Patient and Donor Records in the Blood Component Support Program for the Division of Cancer Treatment, HHS/NIH/NCI.
- 09-25-0142, Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIAD.
- 09-25-0143, Biomedical Research: Records of Subjects in Clinical, Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAD.
- 09-25-0147, Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung, and Blood Institute, HHS/NIH/NHLBI.
- 09-25-0148, Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke, HHS/NIH/NINCDS.
- 09-25-0149, Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS.
- 09-25-0150, Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIHES.
- 09-25-0149, Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS.
- 09-25-0150, Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIHES.
- 09-25-0151, Administration: Alert Records Concerning Investigations or Determinations of Misconduct by Current or Potential Recipients of Funds for Biomedical Research, HHS/NIH/OD.

09-25-0001**SYSTEM NAME:**

Clinical Research: Patient Records, HHS/NIH/NHLBI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients of the National Heart, Lung, and Blood Institute (NHLBI) under study at the National Institutes of Health (NIH).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories, diagnostic studies, laboratory data, treatment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241e, 287, 287a.

PURPOSE(S):

1. For use by physicians in evaluation and treatment of patients under study at NIH.
2. To furnish patient data to patients, their families, and with patients' consent, to their private physicians.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases may be reported to state government as required by law.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to

enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

File folders, card index, laboratory books, computer memory.

RETRIEVABILITY:

Indexed by name or patient number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to authorized physicians and their assistants.

Physical Safeguards: Records are kept in secure locked metal or wood file cabinets and, in some instances, in locked offices.

Procedural Safeguards: Access to files is strictly controlled by files staff. Access to computerized records is controlled by keyword codes available only to authorized users.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer
Division of Intramural Research,
NHLBI
Building 10, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Privacy Act Coordinator, NHLBI
Building 31, Room 5A50, NIH
9000 Rockville Pike
Bethesda, MD 20205

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Referring physicians, hospitals and medical centers, patients and families, results of procedures and tests of NIH patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0002

SYSTEM NAME:

Clinical Research: Patient Phonocardiogram Records, HHS/NIH/NHLBI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10, Room 6N258, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Heart surgery patients in the NIH Clinical Center with prosthetic valve dysfunction.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

421 U.S.C. 241.

PURPOSE(S):

For research to develop non-invasive diagnostic techniques for detecting prosthetic valve dysfunction.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United

States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored on magnetic tapes, in log books, and in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

1. Phonocardiograms are kept in the patient medical records file.
2. Records are available only to physicians and to authorized medical records personnel.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the NIH Records Control Schedule. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Surgeon, Surgery Branch, NHLBI
Building 10, Room 6N256
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Privacy Act Coordinator, NHLBI
Building 31, Room 5A50, NIH
9000 Rockville Pike
Bethesda, MD 20205

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject

individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Attending physicians and collaborating researchers and patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0003

SYSTEM NAME:

Administration: Authorized Radionuclide Users File, HHS/NIH/ORS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 21, Room 116, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research Investigators within NIH and outside holding NIH-NRC Board License for radioactive material.

CATEGORIES OF RECORDS IN THE SYSTEM:

Radioactive material users.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241.

PURPOSE(S):

To provide adequate administrative controls to assure compliance with NIH Radiation Safety policy.

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

Training and experience information transferred to place of new employment. Personnel exposure data transferred to place of new employment.

Disclosure may be made to a congressional office from the record of

an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file cabinet.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to staff Health Physicists, staff Physical Science Technicians, and administrative personnel of the branch.

Physical Safeguards: Records are generally stored in locked file cabinets or in cabinets that are in rooms that can be locked during off-duty hours.

Procedural Safeguards: Access to files is strictly limited to Radiation Safety Branch personnel staff. Records may be removed from files only at the request of authorized personnel. For computerized records, access is controlled by the use of security codes known only to authorized users.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, items 1300-B-13 through 16. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health Physics Section,
Radiation Safety Branch
Building 21, Room 233
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the official under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, previous employers and educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0004

SYSTEM NAME:

Administration: Registry of Individuals Exposed to Chemical Carcinogens, HHS/NIH/ORS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 12, Computer Center
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Researchers, laboratory workers, and NIH employees potentially exposed to chemical carcinogens.

CATEGORIES OF RECORDS IN THE SYSTEM:

Certain chemical carcinogens, work station locations, kinds of facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902, 29 U.S.C. 654.

PURPOSE(S):

1. To serve as a basis for chemical carcinogen health and safety program.

2. To identify potential hazards.

3. To determine needs for educational programs.

4. To comply with OSHA Safety and Health Standards (29 CFR 1910).

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored on computer tapes.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, nurses, and other occupational health professionals. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are stored on computer tapes and in locked desks in offices which are locked during off-duty hours.

Procedural Safeguards: Access to the file is strictly controlled by the systems manager and records may be removed from files only at the request of the system manager or other authorized employee. Access to computerized records is controlled by the use of security codes known only to the authorized users.

RETENTION AND DISPOSAL:

Records are kept for 20 years. Disposal methods include burning or shredding paper materials and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Industrial Hygienist, Occupational Safety and Health Branch
Building 13, Room 3K04
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Employee and supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0005

SYSTEM NAME:

Administration: Library Circulation and User I.D. File, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10, Room 1L25B
and
Building 12A, Room 3018
9000 Rockville Pike
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NIH employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Library records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241.

PURPOSE(S):

Library material control.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored on computer tape and disc, and on file cards.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to Library staff members who need to verify that Library identification cards have been issued to those Library users requesting services such as MEDLINE and other computer online bibliographic searches, translations and interlibrary loans. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: The office housing the cabinets and file drawers for storage of records are locked during all library off-duty hours. During all duty hours offices are attended by employees who maintain the files.

Procedural Safeguards: Access to the files is strictly controlled by employees who maintain the files. Records may be removed from files only at the request of

the system manager or other authorized employees. Access to computerized records is controlled by the use of security codes known only to authorized users.

RETENTION AND DISPOSAL:

Years at NIH: 3. Disposal methods include burning or shredding paper materials and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Reader Service Section
Library Branch, Division of Research Services
Building 10, Room 1L21, NIH
9000 Rockville Pike
Bethesda, MD 20205
and
Librarian, Division of Computer Research and Technology
Building 12A, Room 3018, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, NIH Library ID card data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0007

SYSTEM NAME:

Administration: NIH Safety Shoes and Safety Glasses Issuance Program, HHS/NIH/ORS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 13, Room 3K04, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NIH employees who apply for safety shoes or safety glasses

CATEGORIES OF RECORDS IN THE SYSTEM:

Explanation of eye impact and foot hazard occupation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902.

PURPOSE(S):

Records are used for proper distribution of safety glasses and safety shoes and for proof of delivery.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Access limited to personnel involved in the Safety Glasses and Shoes Program, to supervisors of employees who have requested safety glasses or

shoes, and to personnel involved in accounting. Record storage locations are locked when not in use. Access to records is controlled by the system manager or his/her designee.

RETENTION AND DISPOSAL:

Years at NIH: Retained until employee terminates hazardous occupation

SYSTEM MANAGER(S) AND ADDRESS:

Physical Science Technician
Building 21, Room 108, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Previous employer and education institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0008

SYSTEM NAME:

Administration: Radiation Workers Monitoring, HHS/NIH/ORS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 21, Room 134, NIH
9000 Rockville Pike
Bethesda, MD 20205
and
Building 12, Computer Center
9000 Rockville Pike
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NIH workers using radioactive materials or radiation producing equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Radiation exposure incident reports, film badge exposure reports, urine and whole body counting reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902.

PURPOSE(S):

1. To assure legal compliance with requirement of Nuclear Regulatory Commission to maintain internal and external radiation exposure data and any radiation incident follow-up reports.
2. To monitor personnel exposures in order that they be maintained at the lowest levels reasonably achievable.

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

Radiation exposure history may be transferred to new employer or to Nuclear Regulatory Commission on their request.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in card file and on computer tapes.

RETRIEVABILITY:

Records are retrieved by name and group number.

SAFEGUARDS:

Authorized Users: Access to information stored is limited to the system manager and Radiation Safety Branch (RSB) staff.

Physical Safeguards: Information is filed in cabinets in Building 21 or in computer disc files or magnetic drum mass storage. Building 21 is locked during non-working hours. In addition there is a security fence with locked gate surrounding Building 21. File cabinets are in rooms with RSB employees who monitor access to the information therein.

Procedural Safeguards: Access to computer files is limited only to personnel who know the account initial set assigned by the Division of Computer Research and Technology (DCRT), file names, storage locations, and key words protecting these files. Access to file cabinets is controlled by office personnel who personally recognize RSB staff members.

RETENTION AND DISPOSAL:

Years at NIH: indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health Physics Section
Radiation Safety Branch
Building 21, Room 108, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Previous employer and education institutions, laboratory supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0009

SYSTEM NAME:

Clinical Research: Radiotherapy Patient File, HHS/NIH/ORS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 21, Room 108, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NIH patients who have received radiotherapy doses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Radiotherapy patient records including quantity of material given; type of material, workers involved in patient handling and any radiation exposure received by workers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902; 42 U.S.C. 241.

PURPOSE(S):

To provide a legal record (for Nuclear Regulatory Commission and Food and Drug Administration review) of patients receiving therapeutic levels of radioactive materials.

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

Nuclear Regulatory Commission upon its request.

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the

Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file cabinet.

RETRIEVABILITY:

Records are retrieved by patient name.

SAFEGUARDS:

Access limited to authorized personnel (system manager and staff).

RETENTION AND DISPOSAL:

Records are kept for six years after the final administration of radiotherapy to a patient. During the six years, records may be stored at a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health Physics Section
Radiation Safety Branch
Building 21, Room 135, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the

record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Clinical Center, NIH; Radiopharmacy, NIH; individual patient.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0010

SYSTEM NAME:

Research Resources: Registry of Individuals Potentially Exposed to Microbial Agents, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Landow Building, Room 9A22
7910 Woodmont Ave.
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals potentially exposed to biohazardous microbial agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Microbial agents registry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241.

PURPOSE(S):

1. To serve as a base for health and safety for individuals and organizations involved in use of potentially hazardous agents.

2. To identify potential hazards.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to

represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders and on magnetic tape.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees authorized to use the records include professional staff in the Biological Carcinogenesis Branch who have been informed of the need for maintaining confidentiality of the records.

Physical Safeguards: Office records are kept in closed cabinets in offices which are locked during off-duty hours.

Procedural Safeguards: Access to the file is strictly controlled by the system manager and his designee, and records may be removed from files only at the request of the system manager or other authorized employee. Access to computerized records is controlled by the use of security codes known only to the authorized users.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Biological Carcinogenesis Branch, NCI
Landow Building, Room 9A22
7910 Woodmont Ave.
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures

above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained from individuals and/or organizations providing specimens.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

09-25-0011

SYSTEM NAME:

Clinical Research: Blood Donor Records, HHS/NIH/CC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10A, Room 1E33, NIH
9000 Rockville Pike
Bethesda, MD 20205
Washington National Records Center
4205 Suitland Road
Suitland, MD 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Donors of blood and blood components to be used in the NIH Clinical Center for patient infusions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Past donations, blood types, phenotype. Laboratory results on each unit-record are hepatitis B antigen testing, serologic reactions on all blood samples, donations of blood or blood components.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 263.

PURPOSE(S):

1. To provide a means for contacting blood donors for patient care and research.

2. To provide a medical history of all donors for the transfusion records of each blood unit.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases may be reported to state government as required by law.

Disclosure may be made to a congressional office from the record of

an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in a computer file, on donor cards, and on microfilm.

RETRIEVABILITY:

Records are retrieved by name and Social Security Number for verification where the latter is voluntarily provided.

SAFEGUARDS:

Authorized Users: Access is granted only to the blood bank physicians, the Blood Bank's chief nurse and chief technologist, secretary to the Chief, Blood Bank, and the computer operator.

Physical Safeguards: Record facilities are locked when system personnel are not present.

Procedural Safeguards: Access to manual files is limited to authorized users. Access to computerized records is controlled by the use of security codes known only to the authorized users.

RETENTION AND DISPOSAL:

Donor cards are retained for 18 months and then microfilmed. Microfilm is retained indefinitely in accordance with the NIH Records Control Schedule, item 3000-E-50.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Blood Bank, CC
Building 10A, Room 1E33, NIH
9000 Rockville Pike

Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

To obtain access to a record, contact the system manager at the address specified above. Requesters should provide the same information as is required under the notification procedures above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Data are collected from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0012

SYSTEM NAME:

Clinical Research: Candidate Normal Volunteer Records, HHS/NIH/CC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10, Room 2N-230, NIH
9000 Rockville Pike
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Normally healthy individuals who volunteer to participate in NIH studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Program application, health questionnaire and record of participation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 263.

PURPOSE(S):

1. To determine suitability for participation in the normal volunteer program.
2. To document remuneration of normal volunteers.
3. To provide a record of participation to be used (a) in writing letters of recommendation/reference for the volunteer, and (b) preparing reports on the normal volunteer program.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases may be reported to state government as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Program applications and health questionnaires are stored in file folders. Records of participation are stored on index cards.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Access is granted only to the Normal Volunteer Program staff in the Office of Medical Staff Affairs and to NIH physicians who have requested the recruitment of volunteers for their clinical research projects.

Physical Safeguards: Record facilities are locked when system personnel are not present.

Procedural Safeguards: Access to the files is strictly controlled by the files staff. Records may be removed from the file only at the request of the system manager or other authorized employees.

RETENTION AND DISPOSAL:

Program applications and health questionnaires are kept for 36 months (3 years) after an individual leaves NIH. Applications which are eligible but not accepted may be kept for 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Normal Volunteer Program
Office of Medical Staff Affairs
Building 10, Room 2N-230, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

To obtain access to a record, contact:
Director, Clinical Center
Building 10, Room 2C-124, NIH
9000 Rockville Pike
Bethesda, MD 20205

and provide the information described under Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Volunteer, sponsoring contractor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0013

SYSTEM NAME:

Clinical Research: Preadmission
Medical Records, HHS/NIH/CC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 31, Room 2B58, NIH
9000 Rockville Pike
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential patients.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history and letters from individuals and referring physicians.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 248.

PURPOSE(S):

To determine appropriateness of individual for participation in clinical research projects.

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

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

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

Records are stored in folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: The patient referral staff maintains the records in this system and grants regular access only to physicians and dentists participating in patient care at the Clinical Center, NIH.

Physical Safeguards: All record facilities are locked when system personnel are not present.

Procedural Safeguards: Access to the file is strictly controlled by the files staff. Records may be removed from the file only at the request of the system manager or other authorized employees.

RETENTION AND DISPOSAL:

Years at NIH: 3. Disposal methods include burning or shredding paper materials and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Clinical Reports & Inquiries
Building 31, Room 2B58 NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

To obtain access to a record, contact:
Director, Clinical Center
Building 10, Room 2C-124, NIH
9000 Rockville Pike
Bethesda, MD 20205

and provide the information described under Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Referring physicians, subject individuals, families or members of Congress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0014

SYSTEM NAME:

Clinical Research: Student Records,
HHS/NIH/CC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10, Room 2N-222(A), NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential and accepted Medical Staff and Research Fellows, medical students, and other students in NIH training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application form, transcripts, references, evaluations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241.

PURPOSE(S):

1. To identify candidates for Medical Staff and Research Fellow, clinical elective, and other training positions.
2. To maintain a permanent record of those individuals who have received clinical research training at the NIH for historical and reference uses.

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

Information may be used to respond to congressional inquiries for constituents concerning admission to the program.

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

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and year.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to health care personnel of the NIH who are involved in the evaluation and selection of training candidates.

Physical Safeguards: Records are maintained in locked cabinets with access limited to authorized personnel (systems manager and staff).

Procedural Safeguards: Access to the file is strictly controlled by the files staff. Records may be removed from the file only at the request of the system manager or other authorized employees.

RETENTION AND DISPOSAL:

Years at NIH: Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the NIH Records Control Schedule. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Medical Staff Affairs
Building 10, Room 2N224, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

To obtain access to a record, contact the system manager at the above address and provide the information described under Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the system manager at the address specified above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicants, universities and teachers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0015

SYSTEM NAME:

Clinical Research: Collaborative
Clinical Epilepsy Research, HHS/NIH/
NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 12, NIH

9000 Rockville Pike.
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients participating in clinical epilepsy research sponsored by the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Clinical data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Clinical research on epilepsy, specifically neurophysiological studies of patients and new drug studies designed to improve treatment of epilepsy.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders, and on magnetic tape and discs.

RETRIEVABILITY:

Records are retrieved by identifying number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access to HHS researchers or the staff of the Epilepsy Branch. No other use is permitted without specific permission of the System Manager.

Physical Safeguards: Records are kept in a location which is locked during non-duty hours.

Procedural Safeguards: Records are used in the system location only and are returned to file cabinets at the end of each working day. Location is attended at all times during working hours. Personnel having access to system have received Privacy Act training.

RETENTION AND DISPOSAL:

Years at NIH: 10. Years at Federal Records Center: 15.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Epilepsy Branch, NINCDS
Federal Building, Room 114
7550 Wisconsin Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

Head, Administrative Management
Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record

shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Clinical treatment records from physicians, nurses and other sources of care.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0016

SYSTEM NAME:

Clinical Research: Collaborative
Perinatal Project HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Federal Building, NIH
7550 Wisconsin Ave.
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Women in the perinatal study of NIH during their pregnancies, their children, husbands, fathers of children and other family members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories and examinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Biomedical and behavioral research by HHS scientists to discover leads to the developmental disorders of childhood by relating events of pregnancy, labor and delivery, infancy and early childhood to subsequent development of the child.

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

A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Certain infectious diseases are reported to state government as required by law.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the

Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders, on punch cards and magnetic tape, computer printouts, and on microfilm.

RETRIEVABILITY:

Records are retrieved by identifying number assigned to the mother.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access to HHS researchers and data processing support staff only upon receiving an approved written request from the System Manager which specifies the data to be received and the intended use of the data. A list of authorized users is maintained.

Physical Safeguards: Records are in an area with no other use which is locked when system is not in use.

Procedural Safeguards: Personnel having access are trained in Privacy requirements. Records of access to the system are maintained. Records are used in the system area or other designated work area.

RETENTION AND DISPOSAL:

Years at NIH: indefinite. Some records are sent to the Federal Records Center and held for 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Developmental Neurology
Branch
National Institute of Neurological and
Communicative
Disorders and Stroke (NINCDS)
Federal Building, NIH
7550 Wisconsin Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

Head, Administrative Management
Section, NINCDS

Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Mother, child, father, biomedical examiners, hospital & clinic records, schools.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0019

SYSTEM NAME:

Clinical Research: Genetic
Counseling, HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Federal Building, NIH
7550 Wisconsin Ave.
Bethesda, MD 20205

Write to the system manager at the address below for the address of any

Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals referred to NIH by their physicians for advice about genetic problems in their families.

CATEGORIES OF RECORDS IN THE SYSTEM:

Family histories, medical histories, laboratory findings, physicians reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Research by HHS scientists and approved collaborators to assess the effectiveness and value of genetic counseling for individuals referred by physicians for advice about genetic problems in their families.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases are reported to state government as required by law.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS researchers or their authorized collaborators.

Physical Safeguards: Records are locked in a cabinet during non-working hours in a location also locked during non-working hours.

Procedural Safeguards: Persons having access to this system are trained in Privacy Act requirements. Location is attended at all times during working hours.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. A copy of the schedule may be obtained by writing to the system manager at the address below. Inactive records may be retired to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Research Geneticist, Developmental Neurology Branch
Federal Building, Room 7C10A
7550 Wisconsin Ave
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the reasons for the correction, and the corrective action sought.

RECORD SOURCE CATEGORIES:

Referring physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0020

SYSTEM NAME:

Clinical Research: Genetics of Neurological Disorders, HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Federal Building, NIH
7550 Wisconsin Ave.
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals with hereditary nervous system disorders and their unaffected relatives in the NIH study.

CATEGORIES OF RECORDS IN THE SYSTEM:

Family histories, medical histories, laboratory findings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Research by HHS scientists on the genetics of diseases and disorders of the nervous system including inheritance, rates of gene mutation, population characteristics, detection of the heterozygous state, and defects in metabolism.

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

Clinical research data may be made available to approved or collaborating researchers, including HHS contractors and grantees.

Information may be used to respond to congressional inquiries for

constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders and on index cards.

RETRIEVABILITY:

Records are retrieved by name and ID number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS researchers or their authorized collaborators.

Physical Safeguards: Records are locked in a cabinet during non-working hours in a location also locked during non-working hours.

Procedural Safeguards: Persons having access to this system are trained in Privacy Act requirements. Location is attended at all times during working hours.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. A copy of the schedule may be obtained by writing to the system manager at the address below. Inactive records may be retired to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Research Geneticist
Developmental Neurology Branch

Federal Building, Room 8C16A
7550 Wisconsin Ave
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Head, Administrative Management
Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the reasons for the correction, and the corrective action sought.

RECORD SOURCE CATEGORIES:

Patients, relatives, physicians, hospital records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0021

SYSTEM NAME:

Clinical Research: Guam Patient/
Control Registry, HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 36, Room 5D03, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research patients of NIH on Guam.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical and demographic data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Biomedical research on patients by HHS scientists who study selected diseases and conditions found on the island of Guam in the Pacific.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases are reported to Territorial authorities as required by law.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders, on punch cards, magnetic tape, index cards, and print-out sheets.

RETRIEVABILITY:

Records are retrieved by name and ID number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS researchers or their authorized collaborators.

Physical Safeguards: Location is locked during non-working hours and records are returned to location at end of working day.

Procedural Safeguards: Persons having access to records are informed of the Privacy Act requirements and location is attended at all times during the working day.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. A copy of the schedule may be obtained by writing to the system manager at the address below. Inactive records may be retired to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Intramural Research
National Institute of Neurological and
Communicative Disorders and Stroke
(NINCDS)
Building 36, Room 5A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Head, Administrative Management
Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a

responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the reasons for the correction, and the corrective action sought.

RECORD SOURCE CATEGORIES:

Individuals and their families.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0026

SYSTEM NAME:

Clinical Research: Nervous System Studies, HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 36, Room 5B20, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research patients in NIH-related studies having nervous system disorders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical and demographic data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Clinical research by HHS scientists on patients with special diseases of the nervous system, with particular emphasis on those diseases known or thought to be caused by slow or latent viruses.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases are reported to state government as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders, on magnetic tape, and on computer print-out sheets.

RETRIEVABILITY:

Records are retrieved by name, disease and attending physician name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access only to scientists on the staff of the Central Nervous System Studies Laboratory and their assistants.

Physical Safeguards: Records are kept in a locked location.

Procedural Safeguards: Personnel having access to system are informed of Privacy Act requirements.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. A copy of the schedule may be obtained by writing to the system manager at the address below. Inactive records may be retired to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Central Nervous System Studies Lab.
Building 31, Room 5B20, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Head, Administrative Management Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Attending physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0028

SYSTEM NAME:

Clinical Research: Patient Medical Histories, HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10 & Building 31, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any

Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present patients of the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS), and individuals being referred for admission to the NIH Clinical Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories and diagnoses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Clinical research on various diseases of the nervous system by HHS scientists and their authorized collaborators, with the specific aim of improving patient care and treatment by evaluating therapeutic procedures.

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

Clinical research data are made available to approved or collaborating researchers, including HHS contractors and grantees.

Certain infectious diseases are reported to state government as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS researchers and their authorized collaborators.

Physical Safeguards: Records are kept locked in a file cabinet when not in use and in a location which is locked during non-working hours.

Procedural Safeguards: Records are returned to the files at the close of each working day and are used only in the system location or in a designated work area.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the NIH Records Control Schedule, item 3000-G-3. A copy of the schedule may be obtained by writing to the system manager at the address below. Inactive records may be retired to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Intramural Research,
NINCDS
Building 36, Room 5A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Head, Administrative Management
Section, NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing, a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, the corrective action sought, and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Referring and attending physicians, hospital records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0031

SYSTEM NAME:

Clinical Research: Serological and Virus Data in Studies Related to the Central Nervous System, HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 36, Room 5D04, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with possible perinatal, acute or chronic diseases and normal volunteers in NIH-related studies pertaining to the central nervous system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Laboratory findings for viruses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Clinical research by HHS scientists and their authorized collaborators and research on blood serum, specifically to discover the role of infections (particularly those caused by a virus) in diseases of the central nervous system and also to study the role of vaccines in these diseases.

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

Clinical research data are made available to approved or collaborating

researchers, including HHS contractors and grantees.

Certain infectious diseases are reported to State Government as required by law.

Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored on papers and in file folders.

RETRIEVABILITY:

Records are retrieved by name and number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS scientists and their assistants and authorized collaborators.

Physical Safeguards: Records are kept in cabinets which are locked at all times that system is not in use, in a location which is also locked when system is not in use.

Procedural Safeguards: Personnel having access to system have been trained in Privacy Act requirements. Records are used in a designated work area and the system location is attended at all times during working hours.

RETENTION AND DISPOSAL:

Years at NIH: 15. Years at Federal Records Center: 20.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Infectious Diseases Branch,
Intramural Research Program
Building 36, Room 5D04, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Head, Admin. Management Section,
NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Hospital records, volunteers and laboratory data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0033

SYSTEM NAME:

International Activities: Fellowships
Awarded by Foreign Organizations,
HHS/NIH/FIC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 38A, Room 615, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. citizens qualified in health-related sciences submitting applications through NIH for fellowships for study abroad.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and associated records and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2421.

PURPOSE(S):

(1) To assist U.S. citizens in obtaining fellowships from foreign organizations, Fogarty International Center (FIC) program staff collects applications and submits them to the Division of Research Grants for technical review. Afterwards, the applications are sent to the awarding organization in Switzerland, Sweden or France. These foreign countries make the selection for award.

(2) For program review and evaluation.

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

After review by the operating agency review panel the applications and all supporting documents are forwarded to the foreign organizations or agencies making awards.

In addition, such application may be made available to authorized employees and agents of the Federal Government for purposes of investigations, inspections and audits, and, in appropriate cases, to the Department of Justice for prosecution under civil and criminal laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the

Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and fellowship number.

SAFEGUARDS:

Access limited to authorized personnel (system manager and staff).

RETENTION AND DISPOSAL:

Years at NIH: 1. Number of years held at Federal Records Center before disposal: 5.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, International Research Awards Branch, FIC
Building 38A, Room 615, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Requests for notification of or access to records should be addressed to the system manager, as listed above. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Applicants and persons supplying references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0034

SYSTEM NAME:

International Activities: Scholars Program, HHS/NIH/FIC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 16A, Room 102, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of any Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Distinguished U.S. science leaders and scholars invited to accept NIH scholarships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment and education histories; references.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2421.

PURPOSE(S):

This program was established to facilitate the exchange of ideas among distinguished science leaders and scholars who spend from 3 to 12 months in residence at NIH. Biographical information and references are assembled by Fogarty International Center (FIC) program staff for use by the operating agency review committee, and invitations are extended by the Director, FIC.

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

Information may be made available to authorized employees and agents of the Federal Government for purposes of investigations, inspections and audits, and in appropriate cases, to the Department of Justice for prosecution under civil and criminal laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the

Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders and on magnetic tapes.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to FIC program staff. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: The records are maintained in locked file cabinets, and offices are locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employees.

RETENTION AND DISPOSAL:

Years at NIH: 1. Number of years held at Federal Records Center before disposal: 5.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Scholars Program, FIC
Building 16A, Room 102, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Requests for notification of or access to records should be addressed to the system manager, as listed above. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Information obtained from invitees, reference sources, and persons supplying recommendations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0035

SYSTEM NAME:

International Activities: International Health Exchange Programs Participants, HHS/NIH/FIC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 38A, Room 612, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records may be restored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. citizens applying for participation in international health exchange programs through NIH.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and associated records and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2421.

PURPOSE(S):

U.S. citizens with backgrounds relating to the health sciences submit applications for study in countries with which the U.S. has health exchange agreements. Fogarty International Center (FIC) prepares the applications for review by an operating agency review committee which makes the awards. FIC applies to foreign ministries for their approval. Information is transmitted to the PHS Office of International Health. Reports by returnees disseminated as appropriate.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

To qualified experts not within the definition of Department employees as prescribed in Department Regulations for opinions as a part of the application review process.

Information is furnished to pertinent staff of the relevant foreign ministry for acceptance purposes.

Applications are made available to authorized employees and agents of the Federal Government for the purpose of inspections and audits, and, in appropriate cases, to the Department of Justice for investigation under civil and criminal laws.

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to FIC program staff. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are kept in locked file cabinets. Offices are locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Files may be removed only at the request of the system manager or other authorized employee.

RETENTION AND DISPOSAL:

Years at NIH: 1. At Federal Records Center: 5.

SYSTEM MANAGER(S) AND ADDRESS:

Coordinator, U.S.-Foreign Health Exchange Program

Building 38A, Room 612, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to system manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained from applicants and individuals who supply references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0036

SYSTEM NAME:

Grants: IMPAC (Grant/Contract Information), HHS/NIH/DRG.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Westwood Building,
5333 Westbard Avenue
Bethesda, MD 20205
and
Building 12, NIH Computer Center
9000 Rockville Pike
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicant and Principal Investigators; Program Directors; NRSA Trainees and Fellows; Research Career Awardees; and Public Advisory Committee Members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, awards, associated records and trainee appointments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241c, 58 Stat. 691c & d repealed.

PURPOSE(S):

(1) To support grant programs of the Public Health Service. Services are provided in the areas of grant application assignment and referral, initial review, council review, award processing and grant accounting. The data base is used to provide complete, accurate, and up-to-date reports to all levels of management.

(2) To maintain communication with former fellows and trainees who have incurred a payback obligation through the National Research Service Award Program.

(3) To maintain current and historical information pertaining to the establishment of chartered public advisory committees of the National Institutes of Health and the appointment of their members.

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

Disclosure may be made of assignments of research investigators and project monitors to specific research projects to the National Technical Information Service (NTIS), Department of Commerce, to contribute to the Smithsonian Science Information Exchange, Inc.

To the cognizant audit agency for auditing.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

To qualified experts not within the definition of Department employees as prescribed in Department Regulations for opinions as a part of the application review process.

To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision in the matter.

A record may be disclosed for a research purpose, when the Department:

(A) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the

privacy of the individual that additional exposure of the record might bring;

(C) Has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

The Department contemplates that it may contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

To the grantee institution in connection with performance or administration under the conditions of the award.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored on discs and magnetic tapes.

RETRIEVABILITY:

Records are retrieved by name, application, grant or contract ID number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to PHS extramural staff. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Physical access to the DRG Remote Job Entry work area is restricted. Offices are locked during off-duty hours.

Procedural Safeguards: Access to source data files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee. Access to computer files is controlled by the use of registered accounts, registered initials, keywords, etc. The computer system maintains an audit record of all attempted and successful requests for access.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 4000-A-2, which allows IMPAC records to be kept as long as there is an administrative need for the information.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Statistics and Analysis Branch
Division of Research Grants
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists write to:

Privacy Act Coordinator
Division of Research Grants
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, individual's educational institution and references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0037

SYSTEM NAME:

Clinical Research: Gerontology Research Center Longitudinal Aging Study, HHS/NIH/NIA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205
Chief, Clinical Physiology Branch, GRC
Baltimore City Hospitals
Baltimore, MD 21224

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary participants in the Gerontology Research Center (GRC) Longitudinal Aging Study.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories, psychological and physical test results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289k-2, k-4.

PURPOSE(S):

Epidemiological research on the human aging process.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with

the provisions of Privacy Act with respect to these records.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders and on computer files.

RETRIEVABILITY:

Records are retrieved by ID number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to the clinical, research and support staff of the GRC. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Hard copy files are kept in locked file cabinets.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be removed only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule,

item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Clinical Physiology Branch, GRC
Baltimore City Hospitals
Baltimore, MD 21224

NOTIFICATION PROCEDURE:

Write to system manager to determine if a record exists. The requestor must also verify his or her identity by providing either a notarization of the request or a written certification that the requestor is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals, research staff, test results.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0038

SYSTEM NAME:

Clinical Research: Patient Data, HHS/NIH/NIADDK.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10, Room 9N222, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the

Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK).

CATEGORIES OF RECORDS IN THE SYSTEM:

Patient history, demographic data, miscellaneous correspondence with patients.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281a, 289c.

PURPOSE(S):

- (1) Care and treatment of patients with arthritic, metabolic or digestive diseases;
- (2) Experimentation and investigation on the etiology, treatment and prevention of arthritic, metabolic or digestive diseases;
- (3) Administration of these clinical and research programs.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the provisions of Privacy Act with respect to these records.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an

effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders and on magnetic tape.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the NIADDK whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be removed only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Clinical Investigations, NIADDK
Building 10, Room 9N222, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists write to:

Administrative Officer
Building 31, Room 9A46, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an

individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0039

SYSTEM NAME:

Clinical Research: Diabetes Mellitus Research Study of Southwestern American Indians, HHS/NIH/NIADDK.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205 and
Chief, Phoenix Clinical Research
Section
Phoenix Area Indian Hospital, Room
541
Phoenix, Arizona 85016

Write to system manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Southwestern American Indians and Caucasian spouses of some who were participants in the NIH Diabetes Mellitus Research Study.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, demographic data, patient history and control numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

- (1) To gain information on high prevalence of diabetes, arthritis, gall bladder and related diseases among Southwestern American Indians;
- (2) For statistical analysis to investigate frequency and distribution of the above disorders;
- (3) Data is shared with the Indian Health Service which has primary care responsibility for American Indians.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the provisions of Privacy Act with respect to these records.

Certain infectious diseases are reported to state governments as required by law.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored on magnetic tapes.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to scientists and statistical staff of the Epidemiology Branch, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK). Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Input data for computer files is coded immediately after collection to avoid individual identification. Records are kept in a limited access area equipped with a monitored burglar alarm system.

Procedural Safeguards: Access is strictly controlled through security codes known only to authorized users. Access codes are changed following departure of any authorized user.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Phoenix Clinical Research
Section
Phoenix Area Indian Hospital, Room
541
Phoenix, Arizona 85016

NOTIFICATION PROCEDURE:

To determine if a record exists write to:

Administrative Officer
Building 31, Room 9A-46, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0040

SYSTEM NAME:

Clinical Research: Southwestern American Indian Patient Data, HHS/NIH/NIADDK.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Phoenix Area Indian Hospital, Room
541
Phoenix, Arizona 85016

Write to system manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK) being treated at the Phoenix Area Indian Hospital. 6

Medical history, treatment schedules, diagnostic records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

(1) Used by clinicians and support staff of the Phoenix Clinical Research Section for treatment of NIADDK patients, and for research related to such treatment.

(2) Records are forwarded to the Indian Health Service which maintains records after patient discharge in case follow-up or later treatment is necessary.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Certain infectious diseases are reported to state governments as required by law.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and patient number.

SAFEGUARDS:

Records are maintained in secured areas and containers, with personnel screening to prevent unauthorized access. Charge-out records are maintained on records charged out from the files.

RETENTION AND DISPOSAL:

Records are retained and destroyed according to the same standards that

apply to other medical records of the Indian Health Service.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Phoenix Clinical Research Section
Phoenix Area Indian Hospital, Room 541
4212 North 16th Street
Phoenix, Arizona 85016

NOTIFICATION PROCEDURE:

To determine if a record exists write to:

Administrative Officer, NIADDK
Building 31, Room 9A-46, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Clinicians of the Phoenix Clinical Research Section.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0041

SYSTEM NAME:

Research Resources: Scientists
Requesting Hormone Distribution, HHS/
NIH/NIADDK.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Westwood Building, Room 626, NIH
5333 Westbard Avenue
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Scientists requesting hormones from the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK).

CATEGORIES OF RECORDS IN THE SYSTEM:

Justification for request for hormones, including requester's competence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 263, 289a, 289c.

PURPOSE(S):

(1) For review of applications requesting hormones and antibodies for research purposes, prior to awarding these substances.

(2) To determine if the requester is qualified to receive these materials.

(3) To determine if requests for human hormones for clinical research follow acceptable protocols. In this connection, records may be disclosed to the Food and Drug Administration.

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

Contractors for distribution of various hormones to requestors.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective

defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to staff working for the contractor who need the records for hormone distribution, to NIH staff who supervise the Hormone Distribution Program, and, as approved by the system manager, to scientists and physicians who may have need of the information for research.

Physical Safeguards: Records are kept in cabinets in offices which are locked during off-duty hours and which have alarms.

Procedural Safeguards: Access to files is strictly controlled by files staff. Files may be obtained only at the request of the system manager or other authorized employee.

RETENTION AND DISPOSAL:

Years at NIH: 3.

SYSTEM MANAGER(S) AND ADDRESS:

Hormone Distribution Officer
Westwood Building, Room 626, NIH
5333 Westbard Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists write to:

Administrative Officer, NIADDK
Building 31, Room 9A-46, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the

information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Data is obtained from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0042

SYSTEM NAME:

Clinical Research: National Institute of Dental Research Patient Records, HHS/NIH/NIDR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10, Room 1B20, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients and other participants in current and past research projects of the National Institute of Dental Research (NIDR).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical and dental histories, dental pathologies and therapies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 288a.

PURPOSE(S):

(1) To record the diagnosis and treatment of patients with diseases of the mouth, tongue, teeth and surrounding tissues;

(2) To record the normal condition of the mouth, tongue, teeth and surrounding tissues of individuals referred to the dental clinic;

(3) To provide clinical data for research into the etiology, treatment and prevention of oral diseases;

(4) For review and planning of the NIDR clinical program.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the clinical and research purposes for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and hospital ID number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to dentists, physicians, dental hygienists, dental assistants and other health care personnel involved in the care and treatment of patients in the NIDR dental clinic, and to referring professionals. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are stored in a cabinet which is locked at all times when not in use.

Procedural Safeguards: Access is controlled by clerical staff of the Dental Clinic during clinic hours, and by the Officer of the Day when the clinic is closed.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Clinical Investigations and Patient Care Branch, NIDR
Building 10, Room 2B01, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists contact:

NIDR Privacy Act Coordinator
Westwood Building, Room 535
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, parents or guardians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0043

SYSTEM NAME:

Clinical Research: Pharyngeal Development Patients, HHS/NIH/NIDR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Swallowing Center
Room 115, Tower Building
Johns Hopkins Hospital
Baltimore, MD 21215

Write to system manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients referred to the National Institute of Dental Research (NIDR) who have abnormalities of the mouth and pharynx.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 288a.

PURPOSE(S):

- (1) To record the medical/dental histories of patients with diseases and/or impairments of the mouth and pharynx;
- (2) For research into the causes and treatment of patients with diseases and/or impairments of the mouth and pharynx;
- (3) For review and planning of the Oral and Pharyngeal Development Section program.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the clinical and research purposes for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any

employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and diagnosis.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to Oral and Pharyngeal Development Section staff, to scientist colleagues by invitation of the principal investigator and to referring professionals. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are stored in 'red sealed' rooms which are locked at all times when not in use.

Procedural Safeguards: Access is controlled by Oral and Pharyngeal Development Section staff.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Oral and Pharyngeal Development Section, NIDR
Swallowing Center
Room 115, Tower Building
Johns Hopkins Hospital
Baltimore, MD 21215

NOTIFICATION PROCEDURE:

To determine if a record exists contact:

NIDR Privacy Act Coordinator
Westwood Building, Room 535
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual patient or family members, referring clinician or health agency.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0044

SYSTEM NAME:

Clinical Research: Sensory Testing Research Program, HHS/NIH/NIDR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 31, Room 3B08, NIH
9000 Rockville Pike

Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Infants, children and adults participating in the Sensory Testing Research Program of the National Institute of Dental Research (NIDR).

CATEGORIES OF RECORDS IN THE SYSTEM:

Test results, extracts from medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 288a.

PURPOSE(S):

- (1) To record the medical/dental histories of individuals participating in the Sensory Testing Research Program;
- (2) To record the results of taste tests of individuals participating in the Sensory Testing Research Program;
- (3) For research on the sensitivity of the tongue to touch and to taste stimulation;
- (4) For review and planning of the Oral and Pharyngeal Development Section program.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the clinical and research purposes for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public

Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders and data books.

RETRIEVABILITY:

Records are retrieved by name, date of observation and age of subject.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to Oral and Pharyngeal Development Section staff, to scientist colleagues by invitation of the principal investigator and to referring professionals. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are stored in 'red sealed' rooms which are locked at all times when not in use.

Procedural Safeguards: Access is controlled by Oral and Pharyngeal Development Section staff.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Research Physiologist, Oral and Pharyngeal Development Section,
NIDR
Building 31, Room 3B10, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists contact:

NIDR Privacy Act Coordinator
Westwood Building, Room 535
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he

or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Cooperating clinician or health agency, family members.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0046

SYSTEM NAME:

Clinical Research: Catalog of Clinical Specimens from Patients, Volunteers and Laboratory Personnel, HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 7, Rooms 301 and 202, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients, volunteers, laboratory personnel in the National Institute of Allergy and Infectious Diseases (NIAID).

CATEGORIES OF RECORDS IN THE SYSTEM:

Clinical specimens, attendant data and laboratory results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

For diagnostic and epidemiologic studies of viral respiratory diseases and hepatitis, conducted by NIAID staff.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Certain infectious diseases are reported to state governments as required by law.

Information may be used to respond to congressional inquiries for constituents concerning admission to the NIH Clinical Center.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in data books.

RETRIEVABILITY:

Records are retrieved by name, patient or study number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to HHS scientists conducting research, and staff whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Data books are kept in locked rooms. Offices are locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Respiratory Viruses Section,

NIAID

Building 7, Room 301, NIH

9000 Rockville Pike

Bethesda, MD 20205

and

Chief, Hepatitis Virus Section, NIAID

Building 7, Room 202, NIH

9000 Rockville Pike

Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to

Privacy Act Coordinator, NIAID

Westwood Building, Room 704

5333 Westbard Avenue

Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedure above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants and from medical records, field study records, and clinical research observations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0048

SYSTEM NAME:

Clinical Research: Serology-Epidemiology Parasite Research, HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Rocky Mountain Laboratory, NIH
Hamilton, MT 59840

Write to system manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Blood or parasite donors participating in serology-epidemiology parasite research of the National Institute of Allergy and Infectious Diseases (NIAID).

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of blood tests and possible case histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

For serologic and epidemiologic studies on parasitic and rickettsial diseases (Rocky Mountain spotted fever, in particular) conducted by NIAID staff.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Certain infectious diseases are reported to state governments as required by law.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to HHS scientists conducting research, and staff whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Offices are locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer
Rocky Mountain Laboratory, NIH
Hamilton, MT 59840

NOTIFICATION PROCEDURE:

To determine if a record exists write to

Privacy Act Coordinator, NIAID
Westwood Building, Room 704
Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is whohe or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedure above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Personal physician of donor and state health departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0049

SYSTEM NAME:

Clinical Research: Atlanta Federal Prison Malaria Research Projects, HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 8, Room 326, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to system manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prisoners in the Atlanta Federal Prison who have volunteered to participate in malaria research studies of the National Institute of Allergy and Infectious Diseases (NIAID).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

For malaria research studies of the NIAID.

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

Certain infectious diseases are reported to state governments as required by law.

A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity

consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example, when a claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to HHS scientists conducting research, and staff whose duties require the use of such information. Authorized users are located in the Malaria Section, Laboratory of Parasitic Diseases, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Offices are locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Malaria Section, NIAID
Building 8, Room 326, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists write to

Privacy Act Coordinator, NIAID
Westwood Building, Room 704
Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedure above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals, referring physicians, collaborating scientists, hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0051

SYSTEM NAME:

Grants: NIH Fellowship Payroll, HHS/NIH/DFM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 31, Room B1B07, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to the system manager at the address below for the address of any Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NIH Research Fellows receiving fellowships at Federal and foreign institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Recipient's name, address and social security number (SSN), payroll data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

58 Stat. 691c repealed, 42 U.S.C. 289-1.

PURPOSE(S):

To report income subject to tax and taxes withheld to the Internal Revenue Service.

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

Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Offices are locked during off-duty hours.

RETENTION AND DISPOSAL:

Records are retained for one year at NIH and for 9 years at the Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Federal Assistance Accounting Branch
Building 31, Room B1B07, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the system manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual fellow and notice of fellowship award received from awarding office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0053

SYSTEM NAME:

Clinical Research: Vision Studies, HHS/NIH/NEI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10, Room 10N325, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients and subjects in the National Eye Institute research studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history as relevant to vision research.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289i, 289k.

PURPOSE(S):

1. To gather photographic evidence of various stages or progressions of certain visual disorders;
2. To record certain diagnostic test results (such as color vision testing) in the compilation of empirical data to support research evaluations.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to maintain Privacy Act safeguards with respect to these records.

Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Certain infectious diseases may be reported to State Government as required by law.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or

necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file cabinets.

RETRIEVABILITY:

Records are retrieved by name and cross referenced by anatomical entity.

SAFEGUARDS:

Employees who maintain records in this system are instructed to grant regular access only to HHS scientists conducting research and physicians treating the patient whose records are involved. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager. File cabinets are in locked rooms and access to files is strictly controlled. Specifically, records may be removed from files only at the request of the system manager or authorized employees.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Clinical Director, NEI
Building 10, Room 10N313, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Executive Officer, NEI
Building 31, Room 6A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a

responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Medical examinations conducted by and under the direction of the research investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0054

SYSTEM NAME:

Administration: Property Accounting, HHS/NIH/ORS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 13, Room 2W35, NIH
9000 Rockville Pike
Bethesda, MD 20205
NIH Computer Center, Building 12
9000 Rockville Pike
Bethesda, MD 20205
Building 31, Room B1C06, NIH

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

9000 Rockville Pike, Bethesda, MD 20205
Office of Facilities Engineering
MD 102-01, NIEHS
P.O. Box 12233
Research Triangle Park, N.C. 27709

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the National Institutes of Health who are issued tools or card keys.

CATEGORIES OF RECORDS IN THE SYSTEM:

Property management.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 5901; 5 U.S.C. 7903; 40 U.S.C. 318a; 42 U.S.C. 241.

PURPOSE(S):

Used for tool and card keys issuance and control.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders, and on computer-sensible media.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Textual records are stored in offices which are locked when not in use. Computer files are password protected.

RETENTION AND DISPOSAL:

Records are kept until two years after an item is released by an individual.

SYSTEM MANAGER(S) AND ADDRESS:

For tools:
Administrative Officer, DES

Building 13, Room 2W35, NIH
9000 Rockville Pike
Bethesda, MD 20205

For card keys:

Security Specialist, DAS
Building 31, Room B1C06, NIH
9000 Rockville Pike
Bethesda, MD 20205
Chief, Office of Facilities Engineering
MD 102-01, NIEHS
P.O. Box 12233
Research Triangle Park, N.C. 27709

NOTIFICATION PROCEDURE:

Write to the System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and the corrective action sought.

RECORD SOURCE CATEGORIES:

Data is obtained from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0057

SYSTEM NAME:

Clinical Research: Burkitt's
Lymphoma Registry, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Landow Building, Room 1D-12
7910 Woodmont Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with Burkitt's Lymphoma in the registry of the National Cancer Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Clinical abstracts, pathology reports, and other laboratory correspondence with attending physicians.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281, 282.

PURPOSE(S):

Epidemiologic research on Burkitt's Lymphoma.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be accessed only at the request of the system manager or other authorized employee.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Clinical Studies Section
Medical Officer, Division of Cancer
Cause and Prevention
Landow Building, Room 1D-12
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Hospitals, physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0060

SYSTEM NAME:

Clinical Research: Division of Cancer Treatment Clinical Investigations, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10, Room 3B18, NIH
9000 Rockville Pike
Bethesda, MD 20205
and
Frederick Cancer Research Center
Building 426
Frederick, MD 21701

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All patients who have been hospitalized in the National Cancer Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281, 282.

PURPOSE(S):

1. Patient care and treatment. 2. Clinical and epidemiological research.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored on magnetic tapes and on index cards.

RETRIEVABILITY:

Records are retrieved by patient name or number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute, or its contractors, whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be accessed only at the

request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Biometric Research Branch
Building 10, Room 3B16
9000 Rockville Pike
Bethesda, MD 20205
and
Chief, Clinical Investigations Section
Biological Response Modifiers Program
Frederick Cancer Research Center
Building 426
Frederick, MD 21701

NOTIFICATION PROCEDURE:

Write to System Manager for the appropriate location to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the

information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Hospital medical records, referring physician, referring hospitals, clinical laboratories, patient contact, and Central Tumor Registries.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0064

SYSTEM NAME:

Clinical Research: Japanese Hawaiian Cancer Studies, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Hawaiians of Japanese descent who were/are patients diagnosed with cancer of certain sites or with gastric ulcers, and normal controls.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical, diet, residence and occupational history; clinical lab test results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281, 282.

PURPOSE(S):

Research into the causes of cancer, including precursor conditions and factors affecting the etiology and epidemiology of the disease.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to a contractor when the Department

contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to comply with the Privacy Act with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored on magnetic tape and microfiche and in filefolders and on slides.

RETRIEVABILITY:

Records are retrieved by name or ID number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be accessed only at the request of the system manager or other authorized employee. Access to

computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Biometry Branch
Landow Building, Room 5C03, NIH
7910 Woodmont Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Information obtained from interview with cancer patients or their relatives, hospitalized controls, community and hospital records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0067

SYSTEM NAME:

Clinical Research: National Cancer Incidence Surveys, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons diagnosed as having cancer during 1969-71 in geographical areas of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history, insurance and hospital cost data, and death records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281, 182.

PURPOSE(S):

Comparison of trends in cancer incidence between the second and third national cancer surveys, i.e. between 1969-71 and 1947.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to

represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored on microfiche and on magnetic tapes.

RETRIEVABILITY:

Records are retrieved by name and study number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be accessed only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Demographic Analysis Section
Landow Building, Room 5B06, NIH
7910 Woodmont Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The

requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Hospital medical records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0068

SYSTEM NAME:

Clinical Research: National Cancer Institute/American Cancer Society National Breast Cancer Screening of Antihypertensives, HHS/NIH/NCI

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Landow Building, Room B506, NIH
7910 Woodmont Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Women screened for breast cancer by the National Cancer Institute/American Cancer Society-sponsored screening centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history questionnaires from all individuals; treatment questionnaires from physicians of individuals on antihypertensives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281, 282.

PURPOSE(S):

Epidemiological research to study factors possibly related to breast cancer. This program involves collaboration with the Food and Drug Administration.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to comply with the Privacy Act with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders, on computer printouts and tapes.

RETRIEVABILITY:

Records are retrieved by patient name and number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be accessed only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

RETENTION AND DISPOSAL:

Years at NIH: 5. Years at Federal Records Center: 10.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Demographic Analysis Section
Landow Building, Room 5B06, NIH
7910 Woodmont Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Data is obtained from the individual, and if applicable, from the individual's physician with explicit permission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0069

SYSTEM NAME:

NIH Clinical Center Admissions of the National Cancer Institute, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Landow Building, Rm. 4C18 and 5C37
7910 Woodmont Avenue
Bethesda, MD 20205
Building 10, Rm 3B-02, NIH,
9000 Rockville Pike
Bethesda, MD 20205
Building 31, Room 3A07, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former cancer patients admitted to the NIH Clinical Center of the National Cancer Institute (NCI).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories, reports and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281, 282.

PURPOSE(S):

National Cancer Institute physicians and supporting staff are involved in research on the cause and diagnosis of disease and the treatment of patients, requiring the maintenance of working files to chart progress, responses to treatment, etc.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to comply with the Privacy Act with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders and on computer files.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff

of the National Cancer Institute and the Clinical Center whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are kept in limited access areas. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be accessed only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Clinical Genetics Section
Division of Cancer Cause and Prevention
Landow Bldg., Rm. A521, NIH
7910 Woodmont Avenue
Bethesda, MD 20205
Chief, Biometric Research Branch
Division of Cancer Treatment
Building 10, Room 3B16
9000 Rockville Pike
Bethesda, MD 20205
Administrative Officer
Division of Cancer Biology and Diagnosis
Building 31, Room 3A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to system manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform

the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Patients' personal physicians, NIH staff treating the patients or performing tests, and patients themselves.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0074

SYSTEM NAME:

Clinical Research: Veterans Administration Bladder and Prostate Cancer Clinical Trials, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterans Administration patients with bladder or prostate cancer.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical & treatment history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281, 282.

PURPOSE(S):

Research by staff to compare treatments of bladder and prostate cancer, develop statistical methodology, and trace the natural history of the disease under study.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to comply with the Privacy Act with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in files and on computer tapes and discs.

RETRIEVABILITY:

Records are retrieved by coded identification number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to

physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be accessed only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users. Access codes are changed frequently.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Computer Systems Manager
Landow Building, Room 5C08, NIH
7910 Woodmont Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0075

SYSTEM NAME:

Administration: Principal Investigators Submitting Proposals for Protection from Research Risks, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Westwood Building, Room 3A-12
5333 Westbard Avenue
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons submitting research proposals to the National Institutes of Health involving risks to subjects or matters pertaining to the protection of the rights and welfare of human research subjects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Research protocol, identification of Principal Investigator, institution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(c) (g).

PURPOSE(S):

Monitoring of research proposals that may involve undue risks to subjects or ethical considerations.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is

compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored on card file.

RETRIEVABILITY:

Records are retrieved by name of Principal Investigator.

SAFEGUARDS:

Authorized Users: Members of the professional staff of the Office for Protection from Research Risks (OPRR) may use information from the file in connection with follow-up procedures of research proposals identified as involving potential risk to the protection of the rights and welfare of human research subjects.

Physical Safeguards: Records are maintained in offices which are monitored during business hours and are locked during off-duty hours.

Procedural Safeguards: Requests for information from the file are made to the Compliance Coordinator who supervises and is responsible for the file. Computer files are password protected.

RETENTION AND DISPOSAL:

Records are kept for 6 years after the end of a research project or 6 years after final action in any case involving litigation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, OPRR
Westwood Building, Room 3A-18, NIH
5333 Westbard Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Proposals submitted by individuals, but identified by employees or consultants of HHS as possibly involving undue hazards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0077

SYSTEM NAME:

Clinical Research: Biological Carcinogenesis Branch Human Specimen Program, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Landow Bldg., Rm. 9A22
7910 Woodmont Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cancer and other patients, and normal donors of biopsy and tumor specimens, seen at clinically-oriented organizations under contract to the National Cancer Institute. Both adults and children are covered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical history and diagnostic information about the donor, information on the type of specimen, location of repository (if specimen is stored before use), and distribution record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281, 282.

PURPOSE(S):

1. For cancer research, using by-products of cancer treatment, such as biopsy and tumor specimens that would normally be discarded, to allow interpretation of experimental results;
2. To project future research needs;
3. To monitor and evaluate the NCI distribution system.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any

employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders, magnetic tape, discs.

RETRIEVABILITY:

Retrieved by name of donor and cross-referenced by identifying number, procurement source, and various epidemiological characteristics.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

Procedural Safeguards: Access to manual files is strictly controlled by files staff. Files may be accessed only at the request of the system manager or other authorized employee. Access to computer files is controlled through security codes known only to authorized users.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief, Biological Carcinogenesis Branch
Division of Cancer Cause and Prevention
Landow Building, Room 9A-22

National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Specimen Report Form filled out by the organization providing specimens.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0078

SYSTEM NAME:

Administration: Consultant File, HHS/NIH/NHLBI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

List of consultants available for use in evaluation of National Heart, Lung, and Blood Institute special grants and contracts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, resumes, lists of publications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(d), 281.

PURPOSE(S):

1. To identify and select experts and consultants for program reviews and evaluations. 2. For use in evaluation of NHLBI special grants and contracts.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Computer disc and file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Data on computer files is accessed by keyword known only to authorized users. Rooms where records are stored are locked when not in use. During regular business hours rooms are unlocked but are controlled by on-site personnel.

RETENTION AND DISPOSAL:

Records are kept until the individual is no longer available for consultation.

SYSTEM MANAGER(S) AND ADDRESS:

Systems Analyst
Division of Extramural Affairs, NHLBI
Westwood Building, Room 5A-15
5333 Westbard Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Privacy Act Coordinator, NHLBI
Building 31, Room 5A-50, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Subject individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0084

SYSTEM NAME:

Administration: Curricula Vitae of Scientists, Consultants, and Board and Commission Members, HHS/NIH/NIADDK.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 31, Room 9A04, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants, scientists, advisory board and commission members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment, education, personal and achievement histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(d) 289a.

PURPOSE(S):

1. To communicate information to the public regarding awards received, presentation of papers, and promotions of National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK) scientists and administrative personnel.

2. To respond to requests for current biographical information about NIADDK scientists.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to professional and support staff of the Office of Scientific and Technical Reports, NIADDK.

Physical Safeguards: Records are stored in a locked file cabinet.

Procedural Safeguards: Access to files is limited by files staff. Records may be

removed from files only at the request of authorized employees.

RETENTION AND DISPOSAL:

Years at NIH: 5. Disposal methods include burning or shredding materials.

SYSTEM MANAGER(S) AND ADDRESS:

Information Officer, NIADDK
Building 31, Room 9A03, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0087

SYSTEM NAME:

Administration: Employees and Consultants, HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former key professional employees of the Institute and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Press releases, curriculum vitae, nominations for awards and photographs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(d) 289a.

PURPOSE(S):

For background records to provide public announcements on National Institute of Allergy and Infectious Diseases (NIAID) Council members, advisors and guest lecturers.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Stored in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to staff whose duties require the use of such information. Authorized users are located in the Office of the Director, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records in this system are stored in file folders which are kept in locked cabinets. The room is locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

RETENTION AND DISPOSAL:

Records are kept until no longer needed for reference.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Research Reporting and Public Response
Building 31, Room 7A32, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to
NIAID Privacy Act Coordinator

Westwood Building, Room 704
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as record notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals and newspaper clippings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0088

SYSTEM NAME:

Clinical Research: Researchers Using H-2 Soluble Antigen and H-2 Antiserum, HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Westwood Building, Room 7A07
5333 Westbard Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Scientific investigators concerned with histocompatibility typing who have applied for research materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for research materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 263, 289a, 289c.

PURPOSE(S):

1. To maintain a record of active investigators using the research reagents (mouse major histocompatibility

complex (MHC) antisera which includes H2, IA, LY, and THY; and H-2 antigens which includes A, B, D and K), thereby facilitating feedback and exchange of information about the reagents among the investigators.

2. To control quantities of scarce reagents.

3. To collect data for reports to the Office of the Director, Immunology and Allergic and Immunologic Diseases Program, and to the Office of the Director, National Institute of Allergy and Infectious Diseases (NIAID), for program review and planning.

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

Data regarding scientific investigators may be published in reagents catalogue and may be used to respond to public inquiries.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Records in this system are stored on index cards, in file folders and on computer tapes and discs.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to NIAID staff whose duties require the use of such information. Authorized users are located in the Immunobiology and Immunochemistry Branch, Immunology and Allergic and Immunologic Diseases Program (IAIDP), NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Textual records are stored in offices which are locked when not in use. Access to computer facilities is by key-card. The building is locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee. For computerized records, access is controlled by the use of security codes known only to authorized users.

RETENTION AND DISPOSAL:

Years at NIH: Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Immunobiology and
Immunochemistry Branch, IAIDP
Westwood Building, Room 757
5333 Westbard Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to

NIAID Privacy Act Coordinator
Westwood Building, Room 704
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0089

SYSTEM NAME:

Clinical Research: HLA Antiserum and Tray Users, HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Westwood Building, Room 754
5333 Westbard Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Scientific and clinical investigators concerned with histocompatibility

typing and immunological research who have applied for research materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for research materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 263, 289a, 289c.

PURPOSE(S):

1. To maintain a record of active investigators using the research reagents (histocompatibility testing sera, homozygous typing cells and tissue typing trays), thereby facilitating feedback and exchange about the reagents among the investigators.

2. To control quantities of scarce reagents.

3. To collect data for reports to the Office of the Director, Immunology and Allergic and Immunologic Diseases Program and to the Office of the Director, NIAID, for program review and planning.

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

Data regarding investigators may be published in reagents catalogue and may be used to respond to public inquiries.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Records are stored on index cards, in file folders and on machine-readable media.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to NIAID staff whose duties require the use of such information. Authorized users are located in the Genetics and Transplantation Biology Branch, Immunology and Allergic and Immunologic Diseases Program, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: The building is locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only

at the request of the system manager or other authorized employee. For computerized records, access is controlled by the use of security codes known only to authorized users.

RETENTION AND DISPOSAL:

Years at NIH: Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Genetics and Transplantation Branch, IAIDP
Westwood Building, Room 752
5333 Westbard Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to

NIAID Privacy Act Coordinator
Westwood Building, Room 704
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0091

SYSTEM NAME:

Administration: General Files on Employees, Donors and Correspondents, HHS/NIH/NEI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 31, Room 6A03, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the

Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Donors of gifts, employees, correspondents of the National Eye Institute (NEI).

CATEGORIES OF RECORDS IN THE SYSTEM:

Budget, administrative services, correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 289i.

PURPOSE(S):

1. To identify certain donors of unconditional gifts to the National Eye Institute;

2. To record certain delegations and permit holders;

3. To maintain a mailing list of persons in the vision research community;

4. To provide service or information to specific requesters;

5. To communicate with collaborating investigators in vision research.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and subject area.

SAFEGUARDS:

Employees who maintain records in this system are instructed to grant regular access only to staff with designated responsibilities directly related to the purpose for which the records are kept. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager. Records are kept in locked offices.

RETENTION AND DISPOSAL:

Years at NIH: 1. Disposal methods include burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Officer, NEI
Building 31, Room 6A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to

Records Management Officer, NEI
Building 31, Room 6A31, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0093

SYSTEM NAME:

Administration: Authors, Reviewers and Members of the Journal of the National Cancer Institute, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Westwood Building, Room 850
5333 Westbard Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authors and manuscript reviewers and members of the Journal of the National Cancer Institute (JNCI) editorial board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accepted, rejected and pending manuscripts and review comments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 281.

PURPOSE(S):

Manuscript review by NCI staff of manuscripts submitted for possible publication or oral presentations.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to qualified experts not within the definition of Department employees for opinions as a part of the review of manuscripts.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name and manuscript number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access only to JNCI staff personnel, the Editor-in-Chief, and members of the Board of Editors whose duties require the use of such information.

Physical Safeguards: Records are kept in a limited access area where an employee is present at all times during working hours. Office is locked during off-duty hours.

Procedural Safeguards: Access to manual files is tightly controlled by office staff. Only authorized users may have access to the files. Information that identifies reviewers is not maintained in computer files.

RETENTION AND DISPOSAL:

Years at NIH: 1. Disposal methods include burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Managing Editor, JNCI
Westwood Building, Room 850
5333 Westbard Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Authors and reviewers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0096

SYSTEM NAME:

Contracts: National Cancer Institute Contract Management System Principal Investigators, Project Officers and Contract Specialists, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Principal investigators, project officers, and contract specialists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contract projects administrative data (e.g., project titles and descriptions, contractor information, etc.), fiscal data (e.g., funding/cost data, obligations), and programmatic data (e.g., scientific classifications, scope of work).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(g), 281.

PURPOSE(S):

(1) Provides administrative and financial information for administration and tracking of procurement activities of National Cancer Institute (NCI) contracts;

(2) Collects and maintains this information in an accurate and timely fashion for financial reporting and budgeting, as well as ad hoc queries on NCI contracting activities;

(3) Provides pre-award tracking and milestone data used to monitor and administer the total procurement process.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure may be made to a contractor when the Department contemplates that it will contract with a

private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to comply with the Privacy Act with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored on magnetic tapes and on-line discs.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: The contractor maintaining this system has been instructed not to release any information from the contract management system without prior approval of the system manager.

Physical Safeguards: Computer records are kept in a limited access area. Offices are locked during off-duty hours.

Procedural Safeguards: The computer center protects files physically and with access controls. Files may be used only with the approval of the system manager.

RETENTION AND DISPOSAL:

Years at NIH: 10. Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the NIH Records Control Schedule. Disposal methods include erasing computer tapes and shredding of printed output.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, NCI Contract Management System
Grants Financial and Data Analysis Branch
Westwood Building, Room 8A03
5333 Westbard Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Negotiated Contract and Summary of Negotiations/IMPAC Code Sheet, NIH forms 1759-1 and 1759-2 generated by NIH staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0099

SYSTEM NAME:

Clinical Research: Patient Medical Records, HHS/NIH/CC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 10, Room 1N116
9000 Rockville Pike
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Registered Clinical Center patients. Some individuals not registered as patients but seen in Clinical Center for diagnostic tests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical treatment records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 248.

PURPOSE(S):

1. To provide a continuous history of the treatment afforded individual patients in the Clinical Center;

2. To provide a data base for the clinical research conducted within the hospital.

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

Information may be used to respond to Congressional inquiries for constituents concerning admission to NIH Clinical Center.

Social Work Department may give pertinent information to community agencies to assist patients or their families. Referring physicians receive medical information for continuing patient care after discharge.

Information regarding diagnostic problems, or having unusual scientific value may be disclosed to appropriate medical or medical research organizations or consultants in connection with treatment of patients or in order to accomplish the research purpose of this system. For example, tissue specimens may be sent to the Armed Forces Institute of Pathology; X-rays may be sent for the opinion of a radiologist with extensive experience in a particular kind of diagnostic radiology. The recipients are required to comply with the Privacy Act with respect to these records.

Records may be disclosed to representatives of the Joint Commission on Accreditation of Hospitals conducting inspections to insure that the quality of Clinical Center medical record-keeping meets established standards.

Certain infectious diseases are reported to State Government as required by law.

Medical information may be disclosed to tumor registries for maintenance of health statistics.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical

condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in file folders and/or on microfiche, and on computer tapes.

RETRIEVABILITY:

Records are retrieved by unit number and patient name.

SAFEGUARDS:

Authorized Users: Employees maintaining records in this system are instructed to grant regular access only to physicians and dentists and other health care professionals officially participating in patient care or for whom aspecific authorization is on file.

Physical Safeguards: All record facilities are locked when system personnel are not present.

Procedural Safeguards: Access to files is strictly controlled by the system manager. Records may be removed only by system personnel following receipt of a request signed by an authorized user. Access to computerized records is controlled by the use of security codes known only to the authorized user. Codes are user- and function-specific.

These safeguards were developed in accordance with chapter 45-13, Safeguarding Records Contained in Systems of Records, of the HHS General Administration Manual, corresponding chapter-PHS hf: 45-13, and part 6, ADP Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-E-22. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Medical Record Department
Building 10, Room 1N116
9000 Rockville Pike
Bethesda, Md. 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the system manager at the above

address. The requester must provide tangible proof of identity, such as a driver's license. If no identification papers are available, the requester must verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. The representative may be a physician, or other health professional, or other responsible individual. The subject individual will be granted direct access unless it is determined that such access is likely to have an adverse effect on him or her. In that case, the medical/dental record will be sent to the designated representative. The individual will be informed in writing if the record is sent to the representative.

A parent or guardian who requests notification of or access to a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the system manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Referring physicians, other medical facilities (with patient's consent), patients, relatives of patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0100

SYSTEM NAME:

Clinical Research:
Neuropharmacology Studies, HHS/NIH/
NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 36, Room 5A06
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients in National Institute of Neurological and Communicative Disorders and Stroke (NINCDS) related studies concerning aspects of neuropharmacology.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Clinical research on the pharmacology in various diseases of the central nervous system and on the effectiveness and action of drugs as given to treat these diseases.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Information may be used to respond to Congressional inquiries for constituents concerning admission to the NIH Clinical Center.

Certain infectious diseases are reported to State Government as required by law.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to

represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored in laboratory notebooks, file folders and on index cards.

RETRIEVABILITY:

Records are retrieved by name, diagnosis, data of laboratory determination.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access only to physicians and scientists working within a specific NIH laboratory.

Physical Safeguards: Records are kept in a cabinet and locations which are locked during non-working hours.

Procedural Safeguards: Persons having access to the system are trained in Privacy Act requirements. Records are used either in the system location or a designated work area. Records are returned to cabinets at the end of each working day. System location is attended at all times during working hours.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Intramural Research, NINCDS
Building 36, Room 5A05, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists write to

Head, Admin. Management Section,
NINCDS
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for

acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Other medical, scientific and educational institutions; individual physicians in private practice.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0102

SYSTEM NAME:

Administration: Grants Associates
Program Working Files, HHS/NIH/DRG.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

NIH, Bg. 31, Room 1B55
9000 Rockville Pike
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Grants Associates Training Program
Participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application, correspondence, curriculum vitae including summary of assignments, reports on assignments, critiques of courses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Part III; 42 U.S.C. 241c.

PURPOSE(S):

Records are maintained for program management:

1. To assist participants in obtaining maximum benefits from the Program;

2. To provide information, without individual identifiers or personal data, to current Grants Associates about assignments and other training opportunities;

3. To provide resumes to other HHS components for possible employment of Grants Associates;

4. For review and evaluation of changes in the Program.

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

To U.S. Office of Personnel Management for salary approval.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Access limited to authorized personnel (system manager and staff). Records are stored in locked cabinets in offices which are locked during off-duty hours.

RETENTION AND DISPOSAL:

Complete records are retained for 2 years after completion of the Grants Associate appointment. Curriculum vitae including summary of assignments are kept indefinitely. Disposal methods include burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary, Grants Associates Program
NIH, Bg. 31, Room 1B55
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists write to

Privacy Act Coordinator, DRG
Westwood Building, Room 448, NIH
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a

criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures above. Requesters should reasonably specify the record contents sought.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested, and the corrective action desired.

RECORD SOURCE CATEGORIES:

Individual; educational institution attended by individual; personal references; and the Office of Personnel Management.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0105

SYSTEM NAME:

Administration: Health Records of Employees, Visiting Scientists, Fellows, Contractors and Relatives of Inpatients, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bg. 10, 13, and 31
9000 Rockville Pike
Bethesda, MD 20205
Federal Building
7550 Wisconsin Avenue
Bethesda, MD 20205
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205
Rocky Mountain Laboratory
Hamilton, Montana 59840
Washington National Records Center
4205 Suitland Road
Suitland, MD 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, fellows, visiting scientists, relatives of inpatients, visitors, contractors working on site.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901.

PURPOSE(S):

1. for medical treatment;
2. upon researcher request with individual's written permission, release

of record for research purposes to medical personnel;

3. upon request by HHS personnel offices for determination of fitness for duty, and for disability retirement and other separation actions;

4. for monitoring personnel to assure that safety standards are maintained.

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

Disclosure may be made to Federal, State and local government agencies for adjudication of benefits under workman's compensation, and for disability retirement and other separation actions.

To district office of OPEC, Department of Labor with copies to the U.S. Office of Personnel Management for processing of disability retirement and other separation actions.

Upon non-HHS agency request, for examination to determine fitness for duty with copies to requesting agency and to the U.S. Office of Personnel Management.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Files are maintained in locked cabinets with access limited to authorized personnel (system manager and staff).

RETENTION AND DISPOSAL:

Records are kept until 6 years after separation of an employee.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Safety
Building 31, Room B2B47, NIH
9000 Rockville Pike
Bethesda, MD 20205
Administrative Officer
Rocky Mountain Laboratory
Hamilton, Montana 59840

NOTIFICATION PROCEDURE:

Contact System Manager at appropriate treatment location listed above, to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Records contain data resulting from clinical and preventive services provided at treatment location, and data received from individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0106

SYSTEM NAME:

Administration: Executive Secretariat
Correspondence Records, HHS/NIH/
OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 12A, NIH
and
Building 31, Room 3A22
9000 Rockville Pike
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who correspond with NIH or request information on NIH programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 44 U.S.C. 3101.

PURPOSE(S):

1. To locate and follow-up correspondence to assure prompt reply.
2. Incoming correspondence is forwarded to other HHS components when a response from them is warranted.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Records are stored by computer index and in file folders.

RETRIEVABILITY:

Records are retrieved by name, document number, date, and subject.

SAFEGUARDS:

Authorized Users: Access to textual records and computer files is limited to

authorized personnel (system manager and staff).

Physical Safeguards: Documents are stored in file cabinets. Rooms containing files are locked during off-duty hours.

Procedural Safeguards: Computer files are password protected. Passwords are known only to authorized personnel.

RETENTION AND DISPOSAL:

Records may be retained in accordance with the NIH records Control Schedule, items 1700-C-1 and 1700-C-2. The records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Executive Secretariat
Building 1, Room 18, NIH
9000 Rockville Pike
Bethesda, MD 20205
Administrative Officer
Office of the Director
National Cancer Institute
Building 31, Room 11A29
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to System Manager to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Records are derived from incoming and outgoing correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0108

SYSTEM NAME:

Personnel: Guest Workers/Visiting Fellows/Student Scientists/Scientists Emeriti, HHS/NIH/DPM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Personnel and Administrative Offices of the National Institutes of Health (NIH).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals using NIH facilities who are not NIH employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information including name, address, date and place of birth, education, employment, purpose for which NIH facilities are desired, outside sponsor, and NIH sponsor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241.

PURPOSE(S):

To document the individual's presence at NIH and to record that the individual is not performing a service for the government.

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

Disclosure may be made:
To U.S. Office of Personnel Management for program evaluation purposes;

To institutions providing financial support;

To the U.S. State Department for matters related to its mission regarding foreign visitors;

To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is

compatible with the purpose for which the records were collected.

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

File folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Access is granted only to personnel staff, administrative office staff and management officials directly involved in the administration of the Guest Worker, Visiting Fellow, Student Scientist and Scientist Emeriti programs.

Physical Safeguards: Record facilities are locked when system personnel are not present.

Procedural Safeguards: Access to the files is controlled by system personnel. Records may be removed from the file only with the approval of the system manager or other authorized employees.

RETENTION AND DISPOSAL:

Years at NIH: 3 years after visit. Disposal methods include burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Operations
Division of Personnel Management (DPM)
Bldg. 1, Rm 19, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

Privacy Act Coordinator, DPM
Building 31, Room 1C39, NIH
9000 Rockville Pike
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Contact the Personnel Officer or Administrative Officer in whose office the record is located and provide verification of identity as described under notification procedure above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the Personnel Officer or Administrative Officer in whose office the record is located, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individual, NIH sponsor, funding institution, State Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0112

SYSTEM NAME:

Grants: Research, Research Training, Fellowship and Construction Applications and Awards, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

See Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Grant applicants and Principal Investigators; Program Directors; Institutional and Individual Fellows; Research Career Awardees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant applications and review history, awards, financial records, progress reports and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(c), (d), 276, 281, 287, 288, 289(a), (d), (e), (i), 289(k-2).

PURPOSE(S):

1. Information provided is used by NIH staff for review, award, and administration of grant programs.

2. Information is also used to maintain communication with former fellows who have incurred an obligation through the National Research Service Award Program.

3. Staff may also use curriculum vitae to identify candidates who may serve as ad hoc consultants or committee and council members in the grant peer review process.

4. As a part of the cost analysis of a proposed grant, a budget review is conducted of the percentage of time and effort listed under personnel category, equipment and supply categories, and other items listed under 'other' category.

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

Disclosure may be made:

Of assignments of research investigators and project monitors to specific research projects to the National Technical Information Service (NTIS), Department of Commerce, to contribute to the Smithsonian Science Information Exchange, Inc.

To the cognizant audit agency for auditing;

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual;

(5) To qualified experts not within the definition of Department employees as prescribed in Department Regulations for opinions as a part of the application review process;

(6) To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter;

(7) A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the

information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

(8) To a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in a system. Relevant records will be disclosed to such a contractor. The contractor shall be required to comply with the Privacy Act with respect to such records;

(9) To the grantee institution in connection with performance or administration under the terms and conditions of the award, or in connection with problems that might arise in performance or administration if an award is made on a grant proposal.

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

STORAGE:

Stored in file folders, on computer tapes and discs, cards and in notebooks.

RETRIEVABILITY:

Retrieved by name and grant number.

SAFEGUARDS:

A variety of physical and procedural safeguards are implemented, as appropriate, at the various locations of this system:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to officials whose duties require use of the information. These officials include review groups, grants management staff, other extramural program staff, health scientist administrators, data processing and analysis staff and management officials with oversight responsibilities for extramural programs. Other one-time and special access is granted on an

individual basis as specifically authorized by the system manager. Authorization for access to computerized files is controlled by the system manager or designated official and is granted on a need-to-know basis. Lists of authorized users are maintained.

Physical Safeguards: Secured facilities, locked rooms, locked cabinets, personnel screening; records stored in order of grant numbers which are randomly assigned.

Procedural Safeguards: Access to file rooms and files is strictly controlled by files staff or other designated officials; charge-out cards identifying users are required for each file used; inactive records are transferred to controlled storage in Federal Records Center in a timely fashion; retrieval of records from inactive storage is controlled by the system manager or designated official and by the NIH Records Management Officer; computer files are password protected and access is actively monitored by the Computer Center to prevent abuse. Employees are given specialized training in the requirements of the Privacy Act as applied to the grants program.

RETENTION AND DISPOSAL:

Years at NIH: 1 year after close out except for Construction Grants which are retained for 3 years after close-out. Years at Federal Records Center: 5 years except for Construction Awards, 12 years.

SYSTEM MANAGER(S) AND ADDRESS:

See Appendix II.

NOTIFICATION PROCEDURE:

Write to official at the address specified in Appendix II to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Write to the official at the address specified in Appendix IV to obtain access to a record, and provide the same information as is required under the Notification Procedures above. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified in Appendix II and reasonably

identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information submitted by applicant; supplemented by outside reviewers and internal staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I System Location

National Cancer Institute
Westwood Building, Room 833
5333 Westbard Avenue
Bethesda, MD 20205

National Heart, Lung, and Blood Institute
Westwood Building, Room 7A11
5333 Westbard Avenue
Bethesda, MD 20205

National Library of Medicine
Building 38A, Room 5N509
8600 Rockville Pike
Bethesda, MD 20209

National Institute of Allergy and Infectious Diseases
Westwood Building, Rooms 722 and 735
5333 Westbard Avenue
Bethesda, MD 20205

National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases
Westwood Building, Room 610
5333 Westbard Avenue
Bethesda, MD 20205

National Institute of Child Health and Human Development
Landow Building, Room A621
7910 Woodmont Avenue
Bethesda, MD 20205

National Institute on Aging
Building 31, Rm 5C39
9000 Rockville Pike
Bethesda, MD 20205

National Institute of Dental Research
Westwood Building, Room 518
5333 Westbard Avenue
Bethesda, MD 20205

National Institute of Environmental Health Sciences
Building 12, Room 1204
Research Triangle Park, North Carolina 27709

National Institute of General Medical Sciences
Westwood Building, Room 938
5333 Westbard Avenue
Bethesda, MD 20205

National Institute of Neurological and Communicative Disorders and Stroke
Federal Building, Room 10A12
7550 Wisconsin Avenue
Bethesda, MD 20205

National Eye Institute
Building 31, Room 6A47
9000 Rockville Pike
Bethesda, MD 20205

Division of Research Resources
Building 31, Room 5B34
9000 Rockville Pike
Bethesda, MD 20205

Washington National Records Center
4205 Suitland Road
Suitland, MD 20409

Appendix II System Manager and Address

National Cancer Institute
Grants Privacy Act Coordinator
Room 8A18, Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

National Heart, Lung, and Blood Institute
Administrative Officer, Division of Extramural Affairs
Room 5A15, Westwood Building

National Library of Medicine
Associate Director for Extramural Programs
Building 38A, Room 5N505

National Institute of Allergy and Infectious Diseases
Chief, Grants Management Branch
Westwood Building, Room 710 and
Head, Data Control Section
Westwood Building, Room 733

National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases
Grants Management Officer
Room 639, Westwood Building

National Institute of Child Health and Human Development
Chief, Office of Grants and Contracts
Room A621, Landow Building

National Institute on Aging
Grants Management Officer

Room 5C39, Building 31

National Institute of Dental Research
Grants Management Officer, NIDR
Room 518, Westwood Building

National Institute of Environmental Health Sciences
Grants Management Officer
Room 1209, Building 12, NIEHS

National Institute of General Medical Sciences
Grants Management Officer, NIGMS
Room 938, Westwood Building

National Institute of Neurological and Communicative Disorders and Stroke
Grants Management Officer
Room 1004A, Federal Building

National Eye Institute
Grants Management Officer
Room 6A52, Building 31

Division of Research Resources
Director, Office of Grants and Contracts Management
Room 5B34, Building 31

Appendix III Notification Procedures

National Cancer Institute
Chief, Grants Administration Branch
Room 8A18, Westwood Building

National Heart, Lung, and Blood Institute
Privacy Act Coordinator, NHLBI
Room 5A50, Building 31

National Library of Medicine
See Appendix II.

National Institute of Allergy and Infectious Diseases
See Appendix II.

National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases
Administrative Officer
Room 9A46, Building 31

National Institute of Child Health and Human Development
See Appendix II.

National Institute on Aging
See Appendix II.

National Institute of Dental Research
See Appendix II.

National Institute of Environmental Health Sciences

See Appendix II.

National Institute of General Medical Sciences

See Appendix II.

National Institute of Neurological and Communicative Disorders and Stroke
See Appendix II.

National Eye Institute
See Appendix II.

Division of Research Resources
See Appendix II.

Appendix IV Record Access Procedures

National Cancer Institute
Chief, Grants Administration Branch
Room 8A18, Westwood Building

National Heart, Lung, and Blood Institute
See Appendix III.

National Library of Medicine
See Appendix II.

National Institute of Allergy and Infectious Diseases
Privacy Act Coordinator
Room 705, Westwood Bldg.

National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases
See Appendix III.

National Institute of Child Health and Human Development
See Appendix II.

National Institute on Aging
See Appendix II.

National Institute of Dental Research

Grants Management Officer
NIDR
Room 518
Westwood Building

National Institute of Environmental Health Sciences
See Appendix II.

National Institute of General Medical Sciences
Privacy Act Coordinator
Room 9A05, Westwood Building

National Institute of Neurological and Communicative Disorders and Stroke
Head, Administration Mgmt. Section
Room 8A47, Building 31

National Eye Institute
Administrative Officer
Room 6A31, Building 31

Division of Research Resources
Privacy Act Coordinator
Room 5B13, Building 31

09-25-0115

SYSTEM NAME:

Administration: Curricula Vitae of Consultants and Clinical Investigators, HHS/NIH/NIAID

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 31, Room 7A49, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants and Clinical Investigators under National Institute of Allergy and Infectious Diseases (NIAID) Investigational New Drug Applications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Curriculum vitae.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(d) 289a.

PURPOSE(S):

1. To maintain a record of Investigational New Drug (IND) applications.
2. To appoint consultants to the Clinical Research Subpanel (CRS).

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

STORAGE:

Stored in books.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to

NIAID staff whose duties require the use of such information. Authorized users are located in the Clinical and Epidemiological Studies Branch, Microbiology and Infectious Diseases Program, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Building is locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

RETENTION AND DISPOSAL:

Records are retained until no longer needed for reference.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Clinical and Epidemiological Studies Branch, NIAID
Building 31, Rm 7A49
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to

NIAID Privacy Act Coordinator
Westwood Building, Room 704
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as record notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0116

SYSTEM NAME:

Contracts: Medical Consultants Under Professional Services Contracts, HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Westwood Building, Room 750, NIH
5333 Westbard Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medical consultants under contract with the National Institute of Allergy and Infectious Diseases (NIAID).

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative files, biographical data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(d) 289a.

PURPOSE(S):

To prepare travel orders, professional services contracts, and honorarium forms for consultants to NIAID.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Stored in card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to NIAID staff whose duties require the use of such information. Authorized users are located in the Development and Applications Branch, Microbiology and Infectious Disease Program, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: The building is locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

RETENTION AND DISPOSAL:

Records are retained for up to 6 years after final payment on a contract.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Development and Applications
Branch, NIAID
Westwood Bldg., Rm. 750
5333 Westbard Ave.
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to

NIAID Privacy Act Coordinator
Westwood Building, Room 704
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as record notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0117

SYSTEM NAME:

International Activities: U.S.-Japan Program Panel Members, HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Westwood Building, Room 749
5333 Westbard Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panel Members of the U.S.-Japan Cooperative Medical Science Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters of appointment, curriculum vitae and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(d) 289a.

PURPOSE(S):

1. For use in administering the U.S.-Japan Cooperative Medical Science program.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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

Stored in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access only to National Institute of Allergy and Infectious Diseases (NIAID) staff whose duties require the use of such information. Authorized users are located in the Microbiology and Infectious Diseases Program, NIAID. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Building is locked during off-duty hours.

Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee.

RETENTION AND DISPOSAL:

Years at NIH: 2. Disposal methods include burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Special Assistant to the Director,
Microbiology and Infectious Diseases
Program, NIAID
Westwood Building, Room 749
5333 Westbard Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

NIAID Privacy Act Coordinator
Westwood Building, Room 704
5333 Westbard Avenue
Bethesda, MD 20205

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as record notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under access procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Panel members.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0118

SYSTEM NAME:

Contracts: Professional Services
Contractors, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Building 31, Rm. 6A09, DCT
9000 Rockville Pike
Bethesda, Md. 20205
Building 31, Rm. 3A22, OD
9000 Rockville Pike
Bethesda, Md. 20205

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals under contract with the National Cancer Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Professional Services Contracts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(d), 281.

PURPOSE(S):

Used by staff for general administrative purposes to assure compliance with contract program requirements.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

Stored in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are maintained in offices which are locked when not in use. Access is limited to authorized personnel (system manager and staff).

RETENTION AND DISPOSAL:

Years at NIH: 5. Disposal methods include burning or shredding paper materials and erasing computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, DCT
Building 31, Room 3A50, NIH
9000 Rockville Pike
Bethesda, MD 20205

Administrative Officer, OD
Building 31, Room 11A29, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to the appropriate System Manager listed above to determine if a record exists. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals in the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0121

SYSTEM NAME:

International Activities: Senior
International Fellowships Program,
HHS/NIH/FIC.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bldg. 38A, Room 617, NIH
9000 Rockville Pike
Bethesda, MD, 20205

Write to System Manager at the address below for the address of the Federal Records Center where records from this system may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for Senior International Fellowships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and associated records and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 242 e.

PURPOSE(S):

For award and administration of fellowships to outstanding faculty members in midcareer from U.S. biomedical research and educational institutions for study abroad.

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

Each fellow's home institution receives a notice of award and funding for the fellowship.

Applications are made available to authorized employees and agents of the Federal Government for purposes of investigations, inspections and audits, and in appropriate cases, to the Department of Justice for proper action under civil and criminal laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

File folders; magnetic tapes.

RETRIEVABILITY:

Name and fellowship number.

SAFEGUARDS:

Authorized Users. Employees who maintain records in this system are instructed to grant regular access only to Fogarty International Center (FIC) program staff. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards. The records are maintained in locked file cabinets and offices are locked during off-duty hours.

Procedural Safeguards. Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employees.

RETENTION AND DISPOSAL:

Number of years held at NIH: 1.

Number of years held at Federal Records Center before disposal: 5.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, International Research Awards Branch
Bldg. 38A, Room 617
9000 Rockville Pike
Bethesda, Md. 20205

NOTIFICATION PROCEDURE:

Requests for notification of or access to records should be addressed to the system manager, listed above. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official under notification procedures above, and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information obtained from applicants and persons supplying recommendations through the Division of Research Grants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0123

SYSTEM NAME:

Clinical Research: Clinical Trials Dealing with Fertility-Regulating Methods, HHS/NIH/NICHD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Landow Bldg., Room C625
7910 Woodmont Ave.
Bethesda, Md. 20205

and at hospitals and medical centers under contract. A list of contractor sites may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volunteers and patients in clinical trials dealing with male and female fertility-regulating methods.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of subjects participating in clinical trials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(g), 289d.

PURPOSE(S):

1. Analysis of the effectiveness, side-effects and safety of various fertility-regulating approaches in male and female by the Contraceptive Development Branch, Center for Population Research, National Institute of Child Health and Human Development (NICHD), which receives data extracted by principal investigators from research records.

2. Program management.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Certain infectious diseases are reported to state governments as required by law.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to

enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders, computer tapes or discs.

RETRIEVABILITY:

Name or identifier codes.

SAFEGUARDS:

The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and staff assigned to the project, project officer, contracting officer). For computerized records, records are retrieved by an coded number and personal identifiers, such as name or patient number, are deleted. Other safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) are used, limiting access to the authorized personnel stated.

RETENTION AND DISPOSAL:

One year to indefinitely, depending on the requirements of the specific study. Records are shredded, burned or erased.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Contraceptive Development
Branch, Center for Population
Research, NICHD
Landon Bldg., Room 7A04
7910 Woodmont Ave.
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a file exists, write to the System Manager and provide the following information:

1. Approximate dates and place of treatment.
2. Name of the study, if known.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to system manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information provided by subjects and clinical investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0124

SYSTEM NAME:

Administration: Pharmacology
Research Associates, HHS/NIH/
NIGMS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institutes of Health
Westwood Bldg., Room 919
5333 Westbard Avenue
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for positions as Pharmacology Research Associates with the National Institute of General Medical Sciences (NIGMS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual application forms, academic transcripts and references.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 209.

PURPOSE(S):

- (1) For review, award, and administration of the Pharmacology Research Associate Program (PRAT).
- (2) For consideration of the applicant by other NIH Associate Programs at the applicant's request.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders.

RETRIEVABILITY:

By name of applicant.

SAFEGUARDS:

The records are maintained in locked cabinets with access limited to authorized personnel (system manager and his/her staff assigned to the program).

RETENTION AND DISPOSAL:

1. Records of applicants who are admitted to the program are kept not more than 5 years. 2. Records of applicants who are not admitted to the program are kept for one year. All records are shredded after proper time has elapsed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, PRAT Program
Pharmacological Sciences, NIGMS
Westwood Bldg., Room 919
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a file exists, write to System Manager and provide the following information: applicant's name, date of application.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to system manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information provided by applicants, university registrars, and references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0126

SYSTEM NAME:

Clinical Research: National Heart, Lung, and Blood Institute Epidemiological and Biometric Studies, HHS/NIH/NHLBI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records included in this system are located in hospitals, universities, research centers, research foundations, and coordinating centers under contract with the National Heart, Lung, and Blood Institute, and in NHLBI facilities in Bethesda, Maryland. A list of locations is available from the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in these studies include (1) individuals who have been or who are presently being treated by the National Heart, Lung, and Blood Institute, for diseases or conditions of the heart, lung, blood vessels and blood; (2) individuals whose physical, genetic, social, economic, environmental, behavioral or nutritional conditions or habits are being studied in relation to the incidence of heart, lung, blood vessel and blood diseases among human beings; and (3) normal volunteers who have agreed to provide control data germane to these studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, medical, and statistical information resulting from or contained in research findings, medical histories, vital statistics, personal interviews, questionnaires, or direct observation. The system also includes records of current addresses of study participants, photographs, fingerprints, and

correspondence from or about participants in these studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 412, 413 Public Health Service Act (42 U.S.C. 287a, 287b).

PURPOSE(S):

(1) Summaries of data resulting from these studies are used by the National Heart, Lung, and Blood Institute to monitor and evaluate the incidence of the diseases or the conditions under investigation and the relationship of various factors to the occurrence of these diseases.

(2) The summaries are also used for program planning and evaluation purposes.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice

or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record; (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information; and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

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

STORAGE:

Data may be stored in file folders, magnetic tapes or discs, punched cards, bound notebooks.

RETRIEVABILITY:

Name and/or participant identification number.

SAFEGUARDS:

Access to or disclosure of information is limited to authorized researchers and NHLBI employees whose duties require the use of such information. Data stored in computers is accessed through the use of key words known only to principal investigators or authorized personnel. All other information is stored in locked files. Locations are locked during non-working hours and are attended at all times during working hours.

RETENTION AND DISPOSAL:

Records are retained and destroyed according to the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), section 3000-G. For a copy of this authority, write to the system manager.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Epidemiology and Biometry
National Heart, Lung, and Blood Institute
Federal Building, 2C-08
7550 Wisconsin Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, contact:

NHLBI Privacy Act Coordinator
Building 31, Room 5A29, NIH
9000 Rockville Pike
Bethesda, MD 20205

Requesters must provide the following information in writing:

1. Full name
2. Name and location of research study
3. Approximate dates of enrollment.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical/dental record shall, at the time the request is made, designate in writing a responsible representative who will be

willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the System Manager as indicated above. The contestor must reasonably specify in writing the record contents at issue and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants and from medical and clinical research observations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0127

SYSTEM NAME:

Clinical Research: Clinical Trials
Dealing with Phototherapy for Neonatal Hyperbilirubinemia, HHS/NIH/NICHD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute of Child Health and Human Development (NICHD)
Bldg. 31, Room 2A-50
9000 Rockville Pike
Bethesda, MD 20205
and six contract sites performing the trials (See Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients in clinical trials dealing with phototherapy in the newborn.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual medical and laboratory records of subjects participating in the study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(g), 289d.

PURPOSE(S):

To study the effects of phototherapy on the treatment of hyperbilirubinemia in newborns and the subsequent development of the patient.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from that office made at the request of that individual, or the individual's parents, or guardian.

Certain infectious diseases are reported to state governments as required by law.

Information may be given to a primary care physician when treatment or follow-up of a condition noted during the one-year examination given each patient in the study is indicated.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders, computer tapes or discs.

RETRIEVABILITY:

Name or identifier code number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access only to members of the Biometry Branch who are participating in the analysis to the Program Director and to Principal Investigators. All of those having access

to the collected data are physicians involved in the study except for those in the Biometry Branch.

Physical Safeguards: All material having the code by the hospital of origin is kept in locked cabinets.

Procedural Safeguards: Access to files is strictly controlled by the Biometry Branch members. Records may be removed from files only with approval of the Program Director. For computerized records and analyses, access is controlled by the use of security codes known only to the Biometry Branch personnel involved. The computer system maintains an audit record of all attempted and successful requests for access.

RETENTION AND DISPOSAL:

One year to indefinitely, depending on the length of the patient follow-up required to complete the study. Records are shredded, burned or erased.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Section on Human Biochemical and Developmental Genetics, NPMB
Intramural Research Program, NICHD
Bldg. 10, 13N258
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a file exists, write to the System Manager and provide the following information:

1. Approximate dates and place of treatment.
2. Name of the study, if known.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to System Manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information provided by subjects and clinical investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.
APPENDIX

N01-HD-4-2818

University of Cincinnati
College of Medicine
Cincinnati, Ohio 45219

Principal Investigator:
James M. Sutherland, M.D.

N01-HD-4-2819

State University of New York
Downstate Medical Center
450 Clarkson Avenue
Brooklyn, NY 11203

Principal Investigator:
Dr. Audrey K. Brown

N01-HD-4-2820

Virginia Commonwealth University
Medical College of Virginia
1200 East Broad Street
Richmond, VA 23298

Principal Investigator:
Harold M. Maurer, M.D.

N01-HD-4-2821

Long Island Jewish Hillside Medical
Center
New Hyde Park
New York 11041

Principal Investigator:
Philip J. Lipsitz, M.D.

N01-HD-4-2822

Albert Einstein College of Medicine,
Yeshiva University
1300 Morris Park Avenue
Bronx, NY 10461

Principal Investigator:

Lawrence M. Gartner, M.D.

N01-HD-4-2823

Professional Staff Association of the
LAC/USC Medical Center
Women's Hospital, Room 919L
1240 Mission Road
Los Angeles, CA 90033

Principal Investigators:
Joan E. Hodgman, M.D.
Paul U. K. Wu, M.D.

09-25-0128

SYSTEM NAME:

Clinical Research: Neural Prosthesis & Biomedical Engineering Studies, HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Federal Building, Room 120
7550 Wisconsin Ave.
Bethesda, Md 20205
and (1) at hospitals and medical centers under contract; and (2) Federal Records Centers. A list of locations is available upon request from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients and normal volunteers, males and females, participating in clinical studies to determine the feasibility of neural prostheses, and in clinical studies related to the development of instrumentation for diagnosis and treatment of neurological and sensory disorders conducted under contract for the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Clinical research data as related to studies which seek to determine the feasibility of neural prostheses and to develop instrumentation for diagnosis and treatment of neurological and sensory disorders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 421, 289a, 289c.

PURPOSE(S):

1. Clinical research on the development of neural prosthesis (artificial devices) to enhance function of individuals with various disorders of the central nervous system.

2. Research on the development of new instruments to improve diagnosis and treatment of disorders of the nervous system.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant access only to HHS scientists and their authorized collaborators.

Physical Safeguards: Records are kept in a locked room when not in use.

RETENTION AND DISPOSAL:

Records are retained in accordance with the NIH Records Control Schedule, item 3000-G-3. The records control schedule may be obtained by writing to the 10

Director, Fundamental Neurosciences Program, NINCDS

Federal Building, Room 120
7550 Wisconsin Ave
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Write to:
Head, Administrative Management
Section, NINCDS
Building 31, Room 8A47
9000 Rockville Pike
Bethesda, MD 20205

and ask if a file with your name exists in the Neural Prosthesis or Biomedical Engineering Studies.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to System Manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Patients, patients' families, hospital records and clinical investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0129

SYSTEM NAME:

Clinical Research: Clinical Research Studies Dealing with Hearing, Speech, Language and Chemosensory Disorders, HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute of Neurological and Communicative Disorders and Stroke (NINCDS)
Federal Building, NIH

7550 Wisconsin Avenue
Bethesda, MD 20205

and at hospitals, medical centers, universities and educational settings under contract. Inactive records may be stored at a Federal Records Center. A list of locations is available upon request from the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients and normal volunteers participating in clinical research studies dealing with hearing, speech, language and chemosensory disorders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical findings, clinical research data, medical and educational histories and research data on the hearing, speech, language, cognition and chemosensory systems of subjects being tested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289a, 289c.

PURPOSE(S):

Clinical research on the disorders of speech, language, and hearing to discover factors leading to these disorders and to improve prevention, diagnoses, and treatment.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public

Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Name or identifier code.

SAFEGUARDS:

Employees who maintain the system are instructed to grant access only to the principal investigator and staff assigned to a particular project, and to other authorized personnel (project officer, contracting officer).

Physical Safeguards: Records are locked in cabinets when not in actual use and system location is locked during non-working hours.

Procedural Safeguards: Personnel having access to system are trained in Privacy Act requirements. Records are returned to locked file cabinets at end of working day.

RETENTION AND DISPOSAL:

Years at NIH: one year to indefinitely, depending on the requirements of the specific study. Following completion of a specific study all individual identification are removed, or the records destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Communicative Disorders
Program, NINCDS
Federal Building, NIH
7550 Wisconsin Avenue
Bethesda, Md. 20205

NOTIFICATION PROCEDURE:

Write to:

Head, Administrative Management
Section, NINCDS
Building 31, Room 8A47
9000 Rockville Pike
Bethesda, MD 20205

and ask if a file exists with your name in studies of Communication Disorders Program. Please supply the following information:

1. Approximate date and place of examination and/or treatment.
2. Name of the study, if known.

The requester must also verify his or her identity by providing either a notarization of the request or a written

certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to System Manager and reasonably identify the record, specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information provided by patients, patients' families, hospital records, school records, and clinical investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0130

SYSTEM NAME:

Clinical Research Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Landow Building, Room 3C07
7910 Woodmont Ave.
Bethesda, Md. 20205

Landow Building, Room 5C16
7910 Woodmont Ave.
Bethesda, Md. 20205

Bldg. 12, NIH
9000 Rockville Pike
Bethesda, Md. 20205

and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating government agencies. A list of locations and contracts is available upon request from the System Manager. Write to System Manager at the address below for the address of the Federal Records Center where records are stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with cancer and other environmentally or occupationally related diseases (e.g., birth defects, emphysema), patients with other diseases (e.g., heart disease), normal and other persons (e.g., family members) for the purpose of making comparisons.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records, progress reports, correspondence, epidemiological computerized data, and records on biological specimens (e.g., blood, tumors, urine, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, and 282.

PURPOSE(S):

To determine: (1) factors or substances in the environment which cause cancer;

(2) ways in which these factors or substances may cause cancer;

(3) characteristics of persons who may be particularly susceptible to the environmental factor(s) or substance(s) and/or to cancer;

(4) research in the evaluation of secondary prevention or screening programs for cancer;

(5) statistical and epidemiological methodologies to study the natural history of cancers.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines

that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders, microfilm, charts, graphs, computer tapes, discs, and punch cards.

RETRIEVABILITY:

By name and/or code number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the System Manager.

Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

Procedural Safeguards: Access to manual files is granted only to authorized personnel (system manager, project officer, contracting officer, collaborating researchers, and HHS contractors). Access to computer files is controlled through security codes known only to authorized users.

RETENTION AND DISPOSAL:

One year to indefinitely depending on the project. Hard copy burned; computer tapes and discs erased.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Environmental Epidemiology Branch
National Cancer Institute
Landow Building, Room 3C29
7910 Woodmont Avenue
Bethesda, MD 20205

Mathematical Statistician Biometry Branch
National Cancer Institute
Landow Building, Room 5C16
7910 Woodmont Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a file exists, write to System Manager and provide the following information:

- System name: Clinical Research Studies in the Division of Cancer Cause and Prevention
- Complete name at time of study
- Facility and home address at the time the study was undertaken
- Date(s) at the time the information was provided (if known)
- Birthdate
- Disease type (if known)

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Write to System Manager and specify the record sought. The same information required above for notification is also needed for access.

CONTESTING RECORD PROCEDURES:

Write to System Manager and specify the record and the part(s) to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

HHS agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, research institutions, commercial

institutions, state agencies, other U.S. Government agencies, patients and normal volunteers, physicians, research investigators and other collaborating personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0131

SYSTEM NAME:

Clinical Research: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention, HHS/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Landow Building, Room A521
7910 Woodmont Ave.
Bethesda, Md. 20205
and
Bldg. 12, NIH
9000 Rockville Pike
Bethesda, Md. 20205

and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating government agencies. A list of locations and contracts is available upon request made to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with cancer and related diseases, (e.g., birth defects), patients with other diseases (e.g., heart disease), normal and other persons (e.g., family members) for the purpose of making comparisons.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records, progress reports, correspondence, epidemiological computerized data and records on biological specimens (e.g., blood, tumors, urine, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, and 282.

PURPOSE(S):

To determine: (1) factors or substances in the environment which cause cancer;

(2) ways in which these factors or substances may cause cancer;

(3) characteristics of persons who may be particularly susceptible to the environmental factor(s) or substance(s) and/or to cancer.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to comply with the Privacy Act with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

File folders, microfilm, charts, graphs, computer tapes, discs, and punch cards.

RETRIEVABILITY:

By name and/or code number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to physicians, scientists and support staff of the National Cancer Institute whose

duties require the use of such information. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards: Records are kept in a limited access area. Offices are locked during off-duty hours. Input data for computer files is coded to avoid individual identification.

Procedural Safeguards: Access to manual files is granted only to authorized personnel (system manager, project officer, contracting officer, collaborating researchers, and HHS contractors). Data transmitted to the NCI are in a form which precludes individual identification. For computerized records the contractor is required to comply, where appropriate, with DHHS standards and National Bureau of Standards Guidelines. For example, access is controlled by the use of security codes known only to authorized personnel.

RETENTION AND DISPOSAL:

One year to indefinitely depending on the project. Hard copy burned; computer tapes and discs erased.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Clinical Epidemiology Branch
National Cancer Institute
Landow Building, Room 5A21
7910 Woodmont Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a file exists, write to System Manager and provide the following information:

- System name
- Complete name at time of study
- Facility and home address at the time the study was undertaken
- Date(s) at the time the information was provided (if known)
- Birthdate
- Disease type (if known)

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Medical Records: Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual who would be willing to review the record and inform the subject

individual of its contents, at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Write to System Manager and specify the record sought. The same information required above for notification is also needed for access.

CONTESTING RECORD PROCEDURES:

Write to System Manager and specify the record and the part(s) to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

HHS agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, research institutions, commercial institutions, state agencies, other U.S. Government agencies, patients and normal volunteers, physicians, research investigators and other collaborating personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0133

SYSTEM NAME:

Clinical Research: Kidney Transplant Histocompatibility Study (KTHS), HHS/NIH/NIAD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records included in this system are located in hospitals, research foundations, and universities under contract, in Federal Records Centers and in the National Institute of Allergy and Infectious Diseases (NIAID) facilities in Bethesda, Maryland. Write to the System Manager at the address below for the addresses of current locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients who have received kidney transplants and donors of kidneys transplanted at participating institutions during the period January 1, 1974, through December 31, 1976.

CATEGORIES OF RECORDS IN THE SYSTEM:

Clinical and medical records containing information on clinical examinations, laboratory findings, and related research records. For kidney recipients, a demographic profile is also included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(g) and 289c.

PURPOSE(S):

(1) To study the relevance of tissue typing to the outcome of kidney transplants.

(2) To study the influence of organ preservation techniques and various surgical and medical therapies on the outcome of kidney transplants.

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

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

Certain infectious diseases are reported to State Governments as required by law.

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

File folders, punch cards, and magnetic tapes or discs.

RETRIEVABILITY:

Information is retrieved by name and location of study and by transplant number.

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access only to NIAID staff whose duties require the use of such information. Authorized users are located in the Genetics and Transplantation Biology Branch, Immunology and Allergic and Immunologic Diseases Program, NIAID.

Physical Safeguards: Records in this system are stored in locked cabinets. Access to the computer files is by key word.

Procedural Safeguards: Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employee. For computerized records, access is controlled by the use of security codes known only to authorized users.

RETENTION AND DISPOSAL:

Records are retained for five years to indefinitely, depending on the requirements of the study. Records are burned or erased.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Genetics and Transplantation Biology Branch, IAIDP
National Institute of Allergy and Infectious Diseases, NIH
Westwood Building, Room 752
5333 Westbard Avenue
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

Privacy Act Coordinator, NIAID
Westwood Building, Room 704
5333 Westbard Avenue
Bethesda, MD 20205

and provide the following information:

1. Full name
2. Name and location of clinical trial facility
3. Approximate dates of enrollment in the research study

The requester must also verify his or her identity by providing either a

notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to System Manager, and reasonably identify the record, and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants and from medical records and clinical research observations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0134

SYSTEM NAME:

Clinical Research: Epidemiology Studies, National Institute of Environmental Health Sciences, HHS/NIH/NIEHS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute of Environmental Health Services (NIEHS)
Biometry and Risk Assessment Program
P. O. Box 12233
Research Triangle Park
North Carolina 27709

and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating government agencies. Inactive records may be stored in a Federal Records Center. A list of locations and contracts is available upon request made to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and minors, both male and female, with known or suspected diseases, maladies, chemical or biological contaminations, as well as normal or non-suspect individuals and minors in control or study groups for the purposes of comparison. Individuals included in this system of records normally have volunteered to participate in the study and voluntarily provided information for inclusion in the system. The participants may be, but are not limited to, patients; workers subject to specific environments; individuals selected because of social, nutritional, physical, genetic and economic conditions and behavioral characteristics; and members of the general population subject to the variety of contaminants present in the environment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records pertinent to an individual's current health status: medical history; occupational history and work environments; and selected items of personal data such as smoking habits, family size, family medical history and domiciles. Examples of information which may be included in this system are name, Social Security Number, date of birth, weight, height, sex, race, medical history, blood type, laboratory results, examination findings, current and previous medications received, list of employers, descriptions of the work environment, substances or compounds routinely handled or exposed to, and a history of current and previous residences.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241.

PURPOSE(S):

National Institute of Environmental Health Sciences uses the data collected to:

1. Determine whether or not general conditions, chemicals and/or other substances found in the environment have effects on the health and well being of individuals or groups of individuals;

2. Determine how these conditions, chemicals or other substances, acting by themselves or in combination, produce adverse effects on health;

3. Identify individual or group characteristics that make a person susceptible to chemical contamination, disease or other adverse health effects from these environmental conditions or agents;

4. Determine whether there is a general or background level of exposure or other chemical effects in a local area, regional area, or nationally as well as within general or specific work environments;

5. Develop and/or validate epidemiologic or laboratory methods for detecting adverse effects due to environmental exposures;

6. Determine the scientific basis for advising regulatory agencies such as the Environmental Protection Agency, the National Institute of Occupational Safety and Health and the Department of Labor's Occupational Safety and Health Administration regarding the adverse health effects of substances and conditions found in the environment;

7. Determine the scientific basis for advising local, state, other governmental agencies and international governments regarding the adverse health effects of substances and conditions found in the environment;

8. Determine the scientific basis for advising the Congress, industry, workers, scientific or public agencies and other interested parties regarding the known or potential for adverse health effects from exposure to substances or conditions found in the environment.

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

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a congressional office from the record of the individual in response to an inquiry from the congressional office, made at the request of the individual, and in the case of a minor, the minor's parent or legal guardian.

The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to

comply with the Privacy Act with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

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

STORAGE:

Information is stored in one of a combination of the following mediums: file folders, data forms, punch card, magnetic tape discs.

RETRIEVABILITY:

Information is retrieved by personal identifier such as name or code number. Social security numbers which are supplied on a voluntary basis also are used for retrieval.

SAFEGUARDS:

Access to the information is controlled by the Project Officer or his representative at remote locations. Contractors or collaborating researchers, by formal agreement, comply with the provisions of the Privacy Act and Department regulations. Hard copy data is maintained in locked file cabinets at the National Institute of Environmental Health Sciences or remote study locations. Information stored in computer systems is accessible only through proper sequencing of signal commands and access codes specifically assigned to the Project Officer or contractor in accordance with Departmental standards and National Bureau of Standards guidelines. Subjects directly participating in studies are advised that their identity is known only to those persons involved in conducting

the study, and that any published findings will be in a format which precludes individual identification.

RETENTION AND DISPOSAL:

The records are maintained until they are no longer required for the research purpose(s) for which the record was established. The records are destroyed by shredding, burning, or other appropriate means so as to render them illegible. Computer tapes and discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Biometry and Risk
Assessment Program
National Institute of Environmental
Health Sciences
P. O. Box 12233
Research Triangle Park
North Carolina 27709

NOTIFICATION PROCEDURE:

Normally, individuals would know whether a file existed on the basis of their voluntary participation and provision of data. However, individuals may write to the System Manager to determine if a file exists. In writing, they should provide the following data:

- Complete name at the time of the study.
- Birthdate.
- Home address at the time of the study.
- The facility where the examination was given or information otherwise collected.
- Date, or approximate dates when information was collected or an examination conducted.
- Name of study if known.
- A current name, address and telephone number where they can be reached.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical or dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's description.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a

family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

The same information as outlined under notification procedures is needed for access to records. The request should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

Write to the System Manager and specify the record and the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

HHS agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, commercial, institutions, labor and trade organizations, State agencies, international agencies, foreign governments, other U.S. Government agencies, patients and normal volunteers, physicians, researchers and other collaborating personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0135

SYSTEM NAME:

Grants: PROPHET System Applicants Research Prospectuses, HHS/NIH/DRR.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Bldg. 31, Rm. 6A06, NIH
9000 Rockville Pike
Bethesda, MD 20205

Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for access to the facilities and services of the PROPHET System, a unique national computer resource for the study of chemical/biological interrelationships.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Descriptions of the research objectives of the applicant individuals or groups and their plans for use of the PROPHET system in support of their research; (b) biographical sketches of all key individuals associated with the prospectuses; (c) evaluation documents; (d) related correspondence

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241(a).

PURPOSE(S):

The system is used exclusively in support of the Chemical/Biological Information-Handling (CBIH) program management--i.e., technical merit review of prospectuses, allocation of PROPHET services, analysis and evaluation of ongoing activities, and program planning.

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

Disclosure may be made:

Of assignments of research investigators and project monitors to specific research projects to the National Technical Information Service (NTIS), Department of Commerce, to contribute to the Smithsonian Science Information Exchange, Inc.

To the cognizant audit agency for auditing.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

To qualified experts not within the definition of Department employees as prescribed in Department Regulations for opinions as a part of the application review process.

To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the

record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

To a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in a system. Relevant records will be disclosed to such a contractor. The contractor shall be required to comply with the Privacy Act with respect to such records.

To the grantee institution in connection with performance or administration under the terms and conditions of the award.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

System is indexed by name of principal individual associated with the prospectus and by program identification number.

SAFEGUARDS:

The records are maintained in a room where access is limited to authorized

personnel, i.e., system manager and staff, and review committee members.

RETENTION AND DISPOSAL:

Number of years held at NIH: 2. Disposal methods include burning or shredding paper materials.

SYSTEM MANAGER(S) AND ADDRESS:

Program Director
Chemical/Biological Information-
Handling Program
Division of Research Resources
Bldg. 31, Rm. 6A-04
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the Program Director, Chemical/Biological Information-Handling Program at address listed above and ask if a file exists with your name in the PROPHET System Research Prospectuses.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to System Manager and reasonably identify the record, specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

The information is provided by the individuals themselves and by NIH consultants who assess the scientific and technical merit of the prospectuses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0138

SYSTEM NAME:

Biomedical Research: Studies of Possible Influence on Cognitive and Emotional Development of Children, HHS/NIH/NICHD

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute of Child Health and Human Development
Bldg. 31, Room B2B15
9000 Rockville Pike
Bethesda, MD 20205
NIH
Bldg. 12
9000 Rockville Pike
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adults and their children who have specifically agreed to participate in studies of the Social and Behavioral Sciences Branch.

CATEGORIES OF RECORDS IN THE SYSTEM:

Psychological tests, observations and parental responses to questionnaires and interviews regarding various aspects of the child's development.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 241, 289d.

PURPOSE(S):

To determine (1) prenatal and paranatal correlates of later development;
(2) possible environmental influences on later development;
(3) stability of development; and
(4) possible early predictors of later cognitive and emotional difficulties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Certain infectious diseases are reported to state governments as required by law.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or

necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfiche, computer tapes and discs.

RETRIEVABILITY:

Identifier codes

SAFEGUARDS:

Authorized Users: Employees who maintain records in this system are instructed to grant regular access to scientists and support staff of the Child and Family Research Branch, NICHD.

Physical Safeguards: All records are kept in locked cabinets.

Procedural Safeguards: Records may be removed from files only at the request of the system manager or other authorized users. For computerized records, access is controlled by the use of security codes known only to authorized users.

RETENTION AND DISPOSAL:

One year to five years depending on the study. Hard copy shredded; computer tapes and discs erased.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Child and Family Research Branch
National Institute of Child Health and Human Development
Bldg. 31, Room B2B15
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a file exists, write to System Manager and provide the following information:

- System name
- Complete name at time of study
- Home address at time the study was undertaken
- Date(s) at the time information was provided (if known)
- Birth date

An individual who requests notification of or access to a medical record shall at the time the request is made designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of or access to a child's/

incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to System Manager and reasonably identify the record and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information provided by subjects, family, and clinical investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0140

SYSTEM NAME:

International Activities: Scientific Visitors at the National Institutes of Health, HHS/NIH/FIC

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Fogarty International Center
Building 16
and
Division of Computer Research and Technology
Building 12
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20205

Ancillary records are located in laboratories where participants are assigned. Write to System Manager at the address below for the address of the Federal Records Center where records may be stored.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Health scientists (mainly foreign but

some resident aliens and U.S. citizens) at all levels of their postdoctoral careers who are invited to the National Institutes of Health campus for further training or to conduct research in their biomedical specialties.

CATEGORIES OF RECORDS IN THE SYSTEM:

History of fellowship, employment and/or stay at NIH, education and references. For payroll purposes, social security numbers are requested of all applicants accepted into the program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2421.

PURPOSE(S):

The program was established to facilitate the exchange of ideas among scientists at all levels of their postdoctoral research careers who spend from one to three years in the laboratories of NIH campus. Invitations are extended by the Directors of the institutes and other PHS agencies (FDA, ADAMHA).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is made available to authorized employees and agents of the Federal Government for purposes of investigations, inspections and audits, and in appropriate cases, to the Department of Justice for prosecution under civil and criminal laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are stored in file folders and on file cards, magnetic tape and microfilm.

RETRIEVABILITY:

By name and country of citizenship.

SAFEGUARDS:

Authorized Users. Employees who maintain records in this system are instructed to grant regular access only to FIC program staff. Other one-time and special access by other employees is granted on a need-to-know basis as specifically authorized by the system manager.

Physical Safeguards. The records are maintained in locked file cabinets, and offices are locked during off-duty hours.

Procedural Safeguards. Access to files is strictly controlled by files staff. Records may be removed from files only at the request of the system manager or other authorized employees. For computerized records, access is controlled by the use of security codes known only to authorized users; access codes are changed periodically. The computer system maintains an audit record of all requests for access.

RETENTION AND DISPOSAL:

Records of successful applicants are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Foreign Scientists Assistance Branch
Fogarty International Center
Building 38A, Room B2N13
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

Requests for notification of or access to records should be addressed to the system manager as listed above.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official listed under notification procedure above, and reasonably identify the record, and specify the information to be contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicants and persons supplying references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0141

SYSTEM NAME:

Patient and Donor Records in the Blood Component Support Program for the Division of Cancer Treatment, HHS/NIH/NCL

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Clinical Center
Room 3B-15, Building 10
National Institutes of Health (NIH)
9000 Rockville Pike
Bethesda, MD 20205
Plateletpheresis Trailer, NIH
Reservation
9000 Rockville Pike
Bethesda, MD 20205
NIH Computer Center
Building 12
9000 Rockville Pike
Bethesda, MD 20205
UCLA Computer System
University of California, Los Angeles
1000 Veteran Avenue
Los Angeles, CA 90024

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with cancer and normal volunteers with compatible HL-A blood types.

CATEGORIES OF RECORDS IN THE SYSTEM:

Blood cell types, donor and patient names, dates of sample collections, hospital numbers (i.e. NIH patient numbers), reaction notes and compatibility evaluation, sera.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301, 401, PHS Act (42 U.S. Code 241, 282).

PURPOSE(S):

This system provides for serological matching of blood platelets between donor blood and that of cancer patients treated with cytotoxic drugs. These

drugs depress normal blood elements, including platelets. Infusion of platelets from normal donors prevents life-threatening hemorrhage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to HHS contractors and collaborating researchers and their staffs for uses consistent with the purpose of this system of records. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File cards, computer tapes.

RETRIEVABILITY:

Donor names are retrieved by HL-A type, which is also listed for each patient. Patient records are retrieved by name or patient identification number.

SAFEGUARDS:

The identity of subjects participating in a clinical study is known only to those who are involved in conducting the study, and any published findings will be in a format which precludes individual identification.

Data are kept in secured areas with access limited to authorized personnel. Authorized users of the system include the Community Blood and Plasma Service's site manager or designate, the NCI project officer or designate, and principal investigator or designate at the University of California, Los Angeles, in whose laboratory all HL-A typings are

performed and whose laboratory maintains and generates a computer file.

Textual records are in locked containers. For computerized records, where appropriate, access is controlled by the use of security codes known only to authorized personnel; computer terminals are locked; access codes are changed frequently.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with NIH Records Control Schedule, items 3000-E-36, 3000-E-50 and 3000-E-51 (HHS Records Management Manual, Appendix B-361). A copy of the records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Experimental Hematology
Section Pediatric Oncology Branch,
Division of Cancer Treatment
National Cancer Institute, NIH
Room 3B-15, Building 10
9000 Rockville Pike
Bethesda, MD 20205.

NOTIFICATION PROCEDURE:

To determine if a record exists write to System Manager and provide following information:

- System Name: Blood Component Support Program for the DCT, NCI.
- Complete name at time of study/donation.
- Facility and home address at time the study was undertaken.
- Date(s) when the information was provided.
- Birthdate.
- Disease type (if applicable).

(1) Non-medical Records: Write to the System Manager and provide identity verification consisting of either a notarization of the request or a certification that the individual is who he or she claims to be, and understands that the knowing and willful request for acquisition of a record pertaining to the individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

(2) Medical Records: In addition to the information requested above, individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the system manager at the address above, specify the information being contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

HHS agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, research institutions, commercial institutions, state agencies, other U.S. Government agencies, patients and blood donors, physicians, research investigators and other collaborating personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0142

SYSTEM NAME:

Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records included in this system are located in hospitals and clinics, research centers and research foundations, and in facilities of the National Institute on Aging (NIA) in Bethesda, MD. They may be stored at Federal Records Centers. A list of locations is available upon request from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in these studies include: (1) individuals whose physical, genetic, social, psychological, cultural, economic, environmental, behavioral, pharmacological, or nutritional conditions or habits are studied in relationship to the normal aging process and/or diseases and other normal or abnormal physical or psychological conditions of the aged, and (2) normal volunteers who are participants in such studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of health, demographic, and statistical information resulting from or contained in research findings, medical histories, vital statistics, personal interviews, questionnaires, or direct observations. The system also includes records of

current addresses of study participants, fingerprints, and correspondence from or about participants in the studies. When supplied on a voluntary basis, Social Security numbers are also included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority is provided by Sections 301, Research Contracting, and 463-4, Research on Aging Act of 1974, of the Public Health Service Act (42 U.S.C. Sections 241g, 289k-4, k-5).

PURPOSE(S):

The National Institute on Aging uses the data collected

1. in research projects on (a) the health status of individuals and changes in health status over time, (b) the incidence and prevalence of certain diseases and problems of the aged in certain populations, and (c) the changes that take place as individuals age;
2. and for program planning and evaluation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be disclosed to HHS contractors, collaborating researchers and their staffs in order to accomplish the basic research purpose of this system. The recipients are required to comply with the Privacy Act with respect to such records.

Data may be disclosed to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining

such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, magnetic tapes or discs, punch cards, or bound notebooks. Stored data may include textual, photographic, X-ray, or other material.

RETRIEVABILITY:

Information is retrieved by personal identifiers such as name, code number and/or Social Security number, when this is supplied on a voluntary basis.

SAFEGUARDS:

Measures to prevent unauthorized disclosures are implemented as appropriate for each location and for the particular records maintained in each project. Each site implements personnel,

physical and procedural safeguards such as the following:

Authorized Users: Access is limited to principal investigators, collaborating researchers and necessary support staff.

Physical Safeguards: Hard copy data is be maintained in locked file cabinets. Information stored in computer systems is be accessible only through proper sequencing of signal commands and access codes specifically assigned to the Project Officer or contractor.

Procedural Safeguards: Access to the information is be controlled directly by the Project Officer or his or her representative at remote locations, and by the system manager at NIA locations. Contractors and collaborating researchers are notified that they are subject to the provisions of the Privacy Act, and are required to make formal agreements to comply with these provisions.

The particular safeguards implemented in each project are developed in accordance with chapter 45-13 and supplementing chapter PHS hf 45-13 of the HHS General

Administration Manual and part 6, ADP Systems Security, of the HHS ADP Systems Manual, and the National Bureau of Standards Federal Information Processing Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records at contractor facilities are retained and disposed of under the specific terms established in each contract. Records at NIA facilities are retained and disposed of under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361, item 3000-G-3). Write to the system manager for a copy of the authorized disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Coordinator
National Institute on Aging
Building 31, NIH
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above and provide the following information in writing:

1. Full name at time of participation in the study,
2. Date of birth,
3. Home address at the time of study,
4. The facility where the examination was given or where information was collected,
5. Approximate date or dates of participation,
6. Name of study, if known,

7. Current name, address and telephone number.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical or dental record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's description.

RECORD ACCESS PROCEDURES:

Contact the system manager at the above address and provide the same information as outlined under the notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager at the address above. The contestor must reasonably identify the record, specify in writing the information being contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information is obtained directly from individual participants and from medical and clinical research observations, or indirectly from existing source documents such as disease registries.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0143

SYSTEM NAME:

Biomedical Research: Records of Subjects in Clinical, Epidemiologic and Biometric Studies of the National Institute of Allergy and Infectious Diseases, HHS/NIH/NIAID.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

At National Institutes of Health facilities in Bethesda, Maryland, and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating Federal agencies. Inactive records may be retired to Federal

Records Centers. A list of locations is available upon request from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with infectious diseases, immunologic diseases involving adverse reactions of the body (e.g., allergic reactions) and related diseases, normal healthy volunteers who serve as controls for comparison with patients, relatives of patients and other individuals whose characteristics or conditions are being studied for possible connections with the occurrence of the diseases under investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, medical, and epidemiological information resulting from or contained in direct observations, medical records and other histories, vital statistics reports, records on biological specimens (e.g., blood, urine, etc.), personal interviews, questionnaires, progress reports, correspondence or research findings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 301, Research and Investigation, and 431, Establishment of Institutes, of the Public Health Service Act (42 U.S.C 241, 289a).

PURPOSE(S):

This system supports
1. Epidemiologic, clinical and biometric investigations into the causes, nature (morbidity and mortality), outcome, therapy and cost of infectious, immunologic and related diseases;
2. Review and evaluation of the progress of these research projects, and identification of and planning for improvements or for additional research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to comply with the Privacy Act with respect to these records.

Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or

policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to comply with the Privacy Act with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such

individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice or other appropriate Federal agency to enable that agency to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, computer-accessible forms (e.g., tapes or discs), punch cards, bound notebooks, microfilm, charts, graphs, and X-rays.

RETRIEVABILITY:

Information is retrieved by name and/or participant identification number.

SAFEGUARDS:

Access to or disclosure of information is limited to collaborating researchers, contractors and NIAID employees who are involved in the conduct, support or review and evaluation of the research activities supported by this system. Contractors and collaborating researchers are required to comply with the provisions of the Privacy Act and with Department regulations.

Data are kept in secured areas (e.g. rooms which are locked when not in regular use, buildings with controlled access). Data stored in computer-accessible form is accessed through the use of key words known only to principal investigators or authorized personnel; all other information is stored in locked files.

These and other appropriate safeguards are implemented in each project in accordance with chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf. 45-13, and part 6, Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records at contractor facilities are retained and destroyed according to the terms of the contract. Records at NIAID facilities are retained and destroyed in accordance with the authority provided in the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), item 3000-G-3, which allows the records to be kept until the system manager determines that the data has no further value for scientific

research. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Epidemiology and Biometry
Section
National Institute of Allergy and
Infectious Diseases
Westwood Building, Room 739
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to
NIAID Privacy Act Coordinator
Room 704, Westwood Building
5333 Westbard Avenue
Bethesda, MD 20205

and provide the following information:

1. System name,
2. Complete name and home address at the time of the study,
3. Birthdate,
4. Facility conducting study,
5. Disease type (if known),
6. Approximate dates of enrollment in the research study.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the system manager and reasonably identify the record, specify

the information being contested and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants, from physicians, research investigators and other collaborating persons and from medical records and clinical research observations at hospitals, HHS agencies, universities, medical schools, research institutions, commercial institutions, state agencies, collaborating Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

09-25-0147

SYSTEM NAME:

Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Heart, Lung, and Blood Institute, HHS/NIH/NHLBI.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Records in this system are located in National Institutes of Health (NIH) facilities in Bethesda, Maryland, or in facilities of contractors of the National Heart, Lung, and Blood Institute (NHLBI). Inactive records may be retired to Federal Records Centers. The address of the NIH office responsible for records in this system is that of the System Manager listed below. The addresses of current locations at contractor sites and Federal Records Centers may be obtained by writing to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system may include (1) patients of NHLBI or in NHLBI-sponsored programs, (2) participants in research studies supported by NHLBI, (3) recipients of grants, fellowships, traineeships or other awards from NHLBI, (4) employees and consultants, (5) persons, such as researchers, health care professionals or patients, who use, receive or are aware of NHLBI programs and services, and (6) members of health professions or of the general public who provide opinions or suggestions for evaluating NHLBI programs and services.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records containing two general types of

information: (1) information identifying subject individuals, and (2) information which enables NHLBI to evaluate its programs and services.(1)

Identifying information usually consists of a name and address, but it might also include a patient identification number, grant number, Social Security Number, or other identifying number as appropriate to the particular group included in an evaluation study.(2)

Evaluative information varies according to the program which is being evaluated by a given study. Categories of evaluative information include personal and medical data on participants in clinical and research programs; publications, professional achievements and career history of employees, consultants and recipients of awards; and opinions and other information received directly from individuals in surveys and studies of NIH programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system comes from the basic legislation which defines the mission of the National Heart, Lung, and Blood Institute (42 U.S.C. 229b, 241, 242l, 287 to 287i, 289l-1 to 289l-4).

PURPOSE(S):

This system supports evaluation of the methods, materials, activities and services used by NIH in fulfilling its legislated mandate to conduct and support biomedical research into the causes, prevention and cure of diseases, to support training of research investigators, and to support communication of biomedical information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to HHS contractors and collaborating researchers, organizations, and state and local officials for the purpose of improving the effectiveness of NIH programs. The recipients will be required to comply with the provisions of the Privacy Act.

The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to comply with the Privacy Act with respect to such records.

Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality

assessments, medical audits or utilization review.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, bound notebooks, or computer-accessible forms (e.g., tapes, discs or punch cards).

RETRIEVABILITY:

Information is retrieved by name and/or participant identification number.

SAFEGUARDS:

A variety of safeguards is implemented for the various sets of records included under this system according to the sensitivity of the data they contain. Information already in the public domain, such as titles and dates of publications, is not restricted. However, sensitive information such as personal or medical history or individually identified opinions, is protected according to the level of sensitivity of the data. Minimal safeguards for the protection of information which is not available to the general public include:

Authorized Users: Regular access to information is limited to NIH or to contractor employees and collaborating researchers who are conducting, reviewing or contributing to the evaluation study. Other special access is granted only on a case-by-case basis, consistent with the restrictions required by the Privacy Act (e.g., when disclosure is required by the Freedom of Information Act), as authorized by the system manager or designated responsible official.

Physical Safeguards: Records are stored in closed or locked containers, in areas which are not accessible to unauthorized users, and in facilities which are locked when not in use.

Procedural Safeguards: Access to records is controlled by responsible employees and is granted only to authorized individuals whose identities are properly verified. Data stored in computers is accessed only through the use of keywords known only to authorized personnel.

In addition, sensitive records are kept in locked metal filing cabinets or in a secured room or closed containers at all times when not in use; sensitive records are not left exposed to unauthorized persons at any time.

These practices are in compliance with the standards of chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf: 45-13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

While reports, statistical compilations and final recommendations derived from the evaluation studies are permanent records which will be offered to the National Archives when 22 years old, individually identified records are kept for five years and then destroyed under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), item 1100-C-12. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Program Planning & Evaluation
Building 31, Room 5A03
National Heart, Lung, and Blood Institute (NHLBI)
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

NHLBI Privacy Act Coordinator
Building 31, Room 5A29
National Institutes of Health
Bethesda, MD 20205

Requesters must provide the following information:

1. Full name
2. Name and location of the evaluation study or other NHLBI program in which the requester participated
3. Approximate dates of participation

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the System Manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants, from other records maintained by the operating programs of NHLBI, its contractors, grantees or collaborating researchers, or from publicly available sources such as bibliographies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0148

SYSTEM NAME:

Contracted and Contract-Related Research: Records of Subjects in Clinical, Epidemiological and Biomedical Studies of the National Institute of Neurological and Communicative Disorders and Stroke. HHS/NIH/NINCDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

At National Institutes of Health facilities in Bethesda, Maryland, and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating Federal agencies. Inactive records may be retired to Federal Records Centers. A list of locations is available upon request from the respective system managers of the subsystems included in this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with neurological diseases, communicative disorders, stroke, and related diseases; normal, healthy volunteers who serve as controls for comparison with patients; relatives of patients; and other individuals whose characteristics or conditions are suited for possible connections with the occurrence of the diseases under investigations. Subject individuals include both adults and children.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of clinical, biomedical, and epidemiological information resulting from or contained in direct observations, medical records and other histories, vital statistics reports, records on biological specimens (e.g., blood, urine, etc.), personal interviews, questionnaires, progress reports, correspondence, or research findings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 241, Research and Investigation, and 289a, Establishment of Institutes, of the Public Health Service Act (42 U.S.C. 301, 431).

PURPOSE(S):

This system will be used to support (1) contracted and contract-related epidemiological, clinical and biometric investigations into the causes, nature, outcome, therapy, prevention and cost of neurological and communicative disorders and stroke;

(2) review and evaluation of the progress of these research projects, and identification and planning for improvements or for additional research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to HHS contractors, grantees and collaborating researchers and their staff in order to accomplish the research purpose for which the records are collected. The recipients are required to maintain Privacy Act safeguards with respect to these records.

Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

A record may be disclosed for a research purpose, when the Department:

(A) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(B) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(C) has required the recipient to (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, (2) remove or destroy the information that identifies the individual

at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the Department, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(D) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

The Department contemplates that it may contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to comply with the Privacy Act with respect to such records.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Data may be stored in file folders, computer-accessible forms (e.g., tapes or discs), punched cards, bound notebooks, microfilm, charts, graphs and X-rays.

RETRIEVABILITY:

Information is retrieved by name and/or patient identification number.

SAFEGUARDS:

Access to or disclosure of information is limited to collaborating researchers, contractors and employees, and other authorized biomedical researchers who are involved in the conduct, support or review and evaluation of the research activities supported by this system. Contractors and collaborating or other researchers are required to comply with the provisions of the Privacy Act and with HHS Privacy Act regulations.

Data are kept in secured areas (e.g., rooms which are locked when not in regular use, buildings with controlled access). Data stored in computer-accessible form is accessed through the use of key words known only to principal investigators or authorized personnel; all other information is stored in locked files.

These and other appropriate safeguards are implemented in each project in accordance with chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf. 45-13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records at contractor facilities are retained and destroyed as specified in individual contracts. Records at NIH facilities are retained and destroyed in accordance with the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), item 3000-G-3, which allows the records to be kept until the system manager determines that the data has no further value for scientific research. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGER(S) AND ADDRESS:

NINCDS research activities are divided, functionally and administratively, into five programs and one office. In effect, there are six subsystems within this single umbrella system. System Managers have been designated for each subsystem as follows:

Chief, Office of Biometry and Field Studies

Federal Building, Room 7A12
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Communicative Disorders Program

Federal Building, Room 1C11
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Fundamental Neurosciences Program

Federal Building, Room 916
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Neurological Disorders Program

Federal Building, Room 716
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Stroke and Trauma Program

Federal Building, Room 8A08
7550 Wisconsin Avenue
Bethesda, MD 20205

Director, Intramural Research Program

NIH Building 36, Room 5A05
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to

NINCDS Privacy Act Coordinator
Federal Building, Room 816
7550 Wisconsin Avenue
Bethesda, MD 20205

and provide the following information:

1. system name,
2. complete name and home address at the time of the study,
3. birthdate,
4. facility conducting the study,
5. disease type (if known),
6. approximate dates of enrollment in the research study.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual, who would be willing to review the record and inform the subject

individual of its contents, at the representative's discretion.

A parent or guardian who requests notification of, or access to, a child's or incompetent person's medical record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The parent or guardian must verify relationship to the child or incompetent person as well as his or her own identity.

RECORD ACCESS PROCEDURES:

Same as notifications procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the appropriate system manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information in these records is obtained directly from individual participants, and from physicians, research investigators and other collaborating persons, and from medical records and clinical research observations at hospitals, HHS agencies, universities, medical schools, research institutions, commercial institutions, state agencies, and collaborating Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0149

SYSTEM NAME:

Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of General Medical Sciences, HHS/NIH/NIGMS.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Records in this system are located in National Institutes of Health (NIH) facilities in Bethesda, Maryland, or in facilities of contractors of the National Institute of General Medical Sciences (NIGMS). Inactive records may be retired to Federal Records Centers. The address of the NIH office responsible for records in this system is that of the system manager listed below. The addresses of current locations at contractor sites and Federal Records Centers may be obtained by writing to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system may include (1) patients of NIGMS or in NIGMS-sponsored programs, (2) participants in research studies supported by NIGMS, (3) recipients of grants, fellowships, traineeships or other awards from NIGMS, (4) employees and consultants, (5) persons, such as researchers, health care professionals or patients, who use, receive or are aware of NIGMS programs and services, and (6) members of health professions or of the general public who provide opinions or suggestions for evaluating NIGMS programs and services.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records containing two general types of information: (1) information identifying subject individuals, and (2) information which enables NIGMS to evaluate its programs and services.

(1) Identifying information usually consists of a name and address, but it might also include a patient identification number, grant number, Social Security Number, or other identifying number as appropriate to the particular group included in an evaluation study.

(2) Evaluative information varies according to the program which is being evaluated by a given study. Categories of evaluative information include personal and medical data on participants in clinical and research programs; publications, professional achievements and career history of employees, consultants and recipients of awards; and opinions and other information received directly from individuals in surveys and studies of NIH programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system comes from the basic legislation which defines the mission of the National Institute of General Medical Sciences (42 U.S.C. 229b, 241, 242l, 289e, 289g, 289l-1 to 289l-4, 300b-1, 300d-21).

PURPOSE(S):

This system supports evaluation of the methods, materials, activities and services used by NIH in fulfilling its legislated mandate to conduct and support biomedical research into the causes, prevention and cure of diseases, to support training of research investigators, and to support communication of biomedical information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to HHS contractors and collaborating researchers, organizations, and state and local officials for the purpose of improving the effectiveness of NIH programs. The recipients will be required to comply with the Privacy Act.

The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to comply with the Privacy Act with respect to such records.

Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, bound notebooks, or computer-accessible forms (e.g. tapes, discs or punched cards).

RETRIEVABILITY:

Information is retrieved by name and/or participant identification number.

SAFEGUARDS:

A variety of safeguards is implemented for the various sets of records included under this system according to the sensitivity of the data they contain. Information already in the public domain, such as titles and dates of publications, is not restricted. However, sensitive information, such as personal or medical history or individually identified opinions, is protected according to the level of sensitivity of the data.

Minimal safeguards for the protection of information which is not available to the general public include:

Authorized Users: Regular access to information is limited to NIH or to contractor employees and collaborating researchers who are conducting, reviewing or contributing to the evaluation study. Other special access is granted only on a case-by-case basis, consistent with the restrictions required by the Privacy Act (e.g., when disclosure is required by the Freedom of

Information Act), as authorized by the system manager or designated responsible official.

Physical Safeguards: Records are stored in closed or locked containers, in areas which are not accessible to unauthorized users, and in facilities which are locked when not in use.

Procedural Safeguards: Access to records is controlled by responsible employees and is granted only to authorized individuals whose identities are properly verified. Data stored in computers is accessed only through the use of keywords known only to authorized personnel.

In addition, sensitive records are kept in locked metal filing cabinets or in a secured room or closed containers at all times when not in use; sensitive records are not left exposed to unauthorized persons at any time.

These practices are in compliance with the standards of chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf: 45-13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

While reports, statistical compilations and final recommendations derived from the evaluation studies are permanent records which will be offered to the National Archives when 22 years old, individually identified records are kept for five years and then destroyed under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), item 1100-C-12. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGER(S) AND ADDRESS:

Health Science Administrator
Cellular and Molecular Basis of
Disease Program
National Institute of General Medical
Sciences (NIGMS)
Westwood Building, Room 907
Bethesda, MD 20205
Chief, Office of Program Analysis
National Institute of General Medical
Sciences (NIGMS)
Westwood Building, Room 9A18
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

NIGMS Privacy Act Coordinator
Westwood Building, Room 9A10
National Institutes of Health
Bethesda, MD 20016

Requesters must provide the following information:

1. Full name

2. Name and location of the evaluation study or other NIGMS program in which the requester participated

3. Approximate dates of participation
The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the System Manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants, from other records maintained by the operating programs of NIGMS, its contractors, grantees or collaborating researchers, or from publicly available sources such as bibliographies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0150

SYSTEM NAME:

Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institute of Environmental Health Sciences, HHS/NIH/NIEHS.

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Records in this system are located in National Institutes of Health (NIH) facilities in Research Triangle Park,

North Carolina, or in facilities of contractors of the National Institute of Environmental Health Sciences (NIEHS). Inactive records may be retired to Federal Records Centers. The address of the NIH office responsible for records in this system is that of the System Manager listed below. The addresses of current locations at contractor sites and Federal Records Centers may be obtained by writing to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system may include (1) patients of NIEHS or in NIEHS-sponsored programs, (2) participants in research studies supported by NIEHS, (3) recipients of grants, fellowships, traineeships or other awards from NIEHS, (4) employees and consultants, (5) persons, such as researchers, health care professionals or patients, who use, receive or are aware of NIEHS programs and services, and (6) members of health professions or of the general public who provide opinions or suggestions evaluating NIEHS programs and services.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records containing two general types of information: (1) information identifying subject individuals, and (2) information which enables NIEHS to evaluate its programs and services.

(1) Identifying information usually consists of a name and address, but it might also include a patient identification number, grant number, Social Security Number, or other identifying number as appropriate to the particular group included in an evaluation study.

(2) Evaluative information varies according to the program which is being evaluated by a given study. Categories of evaluative information include personal and medical data on participants in clinical and research programs; publications, professional achievements and career history of employees, consultants and recipients of awards; and opinions and other information received directly from individuals in surveys and studies of NIH programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system comes from the basic legislation which defines the mission of the National Institute of Environmental Health Sciences (42 U.S.C. 229b, 241, 242l, 289l-1 to 289l-4, 15 U.S.C. 793).

PURPOSE(S):

This system supports evaluation of the methods, materials, activities and services used by NIH in fulfilling its legislated mandate to conduct and support biomedical research into the causes, prevention and cure of diseases, to support training of research investigators, and to support communication of biomedical information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to HHS contractors and collaborating researchers, organizations, and state and local officials for the purpose of improving the effectiveness of NIH programs. The recipients will be required to comply with the Privacy Act.

The Department contemplates that it may contract with one or more private firms for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor will be required to comply with the Privacy Act with respect to such records.

Disclosure may be made to organizations deemed qualified by the Secretary to carry out quality assessments, medical audits or utilization review.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data may be stored in file folders, bound notebooks, or computer-accessible forms (e.g., tapes, discs or punched cards).

RETRIEVABILITY:

Information is retrieved by name and/or participant identification number.

SAFEGUARDS:

A variety of safeguards is implemented for the various sets of records included under this system according to the sensitivity of the data they contain. Information already in the public domain, such as titles and dates of publications, is not restricted. However, sensitive information such as personal or medical history or individually identified opinions, is protected according to the level of sensitivity of the data.

Minimal safeguards for the protection of information which is not available to the general public include:

Authorized Users: Regular access to information is limited to NIH or to contractor employees and collaborating researchers who are conducting, reviewing or contributing to the evaluation study. Other special access is granted only on a case-by-case basis, consistent with the restrictions required by the Privacy Act (e.g., when disclosure is required by the Freedom of Information Act), as authorized by the System Manager or designated responsible official.

Physical Safeguards: Records are stored in closed or locked containers, in areas which are not accessible to unauthorized users, and in facilities which are locked when not in use.

Procedural Safeguards: Access to records is controlled by responsible employees and is granted only to authorized individuals whose identities are properly verified. Data stored in computers is accessed only through the use of key words known only to authorized personnel.

In addition, sensitive records are kept in locked metal filing cabinets or in a secured room or closed containers at all times when not in use; sensitive records are not left exposed to unauthorized persons at any time.

These practices are in compliance with the standards of chapter 45-13 of the HHS General Administration Manual, supplementary chapter PHS hf: 45-13, and Part 6, Systems Security, of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

While reports, statistical compilations and final recommendations derived from the evaluation studies are permanent records which will be offered to the National Archives when 22 years old, individually identified records are kept for five years and then destroyed under the authority of the NIH Records Control Schedule (HHS Records Management Manual, Appendix B-361), item 1100-C-12. Disposal methods include burning or shredding hard copy and erasing computer tapes and discs.

SYSTEM MANAGER(S) AND ADDRESS:

Program Analyst
Office of Program Planning and Evaluation
National Institute of Environmental Health Sciences (NIEHS)
P. O. Box 12233
Research Triangle Park, N.C. 27709

NOTIFICATION PROCEDURE:

To determine if a record exists, write to:

Program Analyst
Office of Program Planning and
Evaluation
National Institute of Environmental
Health Sciences (NIEHS)
P. O. Box 12233
Research Triangle Park, N.C. 27709

Requesters must provide the following information:

1. Full name
2. Name and location of the evaluation study or other NIEHS program in which the requester participated
3. Approximate dates of participation

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing, a responsible representative, who may be a physician, other health professional, or other responsible individual, who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the System Manager and reasonably identify the record, specify the information being contested and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information contained in these records is obtained directly from individual participants, from other records maintained by the operating programs of NIEHS, its contractors, grantees or collaborating researchers, or from publicly available sources such as bibliographies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-25-0151

SYSTEM NAME:

Administration: Alert Records
Concerning Investigations or
Determinations of Misconduct by
Current or Potential Recipients of Funds
for Biomedical Research, HHS/NIH/OD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Management Survey and
Review
Building 31
Office of Extramural Research and
Training
Building 1
National Institutes of Health (NIH)
9000 Rockville Pike
Bethesda, MD 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients or possible recipients of research funding who are subjects of investigations or determinations of misconduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of information related to investigations or determinations of misconduct.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system comes from the legislation which authorizes NIH to award grants and contracts for biomedical research and from NIH's concomitant responsibility to assure that funds disbursed for grants and contracts are spent for authorized purposes and that recipients of such funds conform to all appropriate laws and regulations. (Public Health Service Act, 42 U.S.C. 241, 242 I, 275 et seq., 281 et seq.).

PURPOSE(S):

NIH maintains this system in order to make informed decisions on appropriate actions regarding awards of research funds to individuals who are or have been subjects of investigations or determinations of misconduct. The records may be used as follows:

1. The Associate Director for Extramural Research and Training, NIH, the Directors of bureaus, institutes or divisions of NIH, or the designees of these officials may use information from this system when considering whether it is appropriate to fund research by a subject individual.

2. These officials may disclose information, when appropriate, to members of the National Advisory Council or Board of the bureau, institute

or division, when the Board or Council considers actual or proposed funding of research by such an individual.

3. Members of technical merit review groups may receive disclosures of factual information (a) if the disclosure bears directly on the scientific merit of an application or proposal under review, or (b) if disclosure is necessary to ensure an unbiased review when information concerning the conduct in question has been disclosed by other sources, such as coverage in the press.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To qualified experts not within the definition of Department employees as prescribed in Department Regulations for opinions as a part of the application review process.

To a Federal agency, in response to its request, in connection with the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision in the matter.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosures may be made to the Department of Justice for the purpose of obtaining its advice.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Authorized Users: Records are available only to the System Manager or the Associate Director for Extramural Research and Training, NIH, to the Director of the bureau, institute or division of NIH which has funded or is considering funding research by a subject individual, or to the designee(s) of these officials. These officials may disclose information to members of National Advisory Councils, Boards, or technical merit review groups only when such disclosure is relevant and necessary to review of research funding. Any disclosure to other individuals must be authorized by the system manager.

Procedural Safeguards: Access to records is strictly controlled by the system manager and the officials specified under 'Authorized Users.' Individuals who receive disclosures from this system are informed that the information is confidential. They are instructed to address all questions and inquiries either to the System Manager, the Associate Director for Extramural Research and Training, NIH, or to the Director of the bureau, institute or division for reply.

Physical Safeguards: Records are kept in locked file cabinets in offices which are locked when not attended.

These measures follow the standards established in chapter 45-13 of the HHS General Administration Manual and supplementary chapter PHS hf: 45-13.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Management
Survey and Review
National Institutes of Health
Building 31, Room 4C02
9000 Rockville Pike
Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above; provide your full name and state that the inquiry concerns Privacy Act system of records number 09-25-0151.

The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Write to the System Manager at the address above and provide the same information as required for notification. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought and the reasons for the correction, with supporting justification.

RECORD SOURCE CATEGORIES:

Information in these records is obtained from organizations responsible for investigations, from third parties who voluntarily submit unsolicited information, and from the media.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-26413 Filed 10-12-82; 8:45 am]

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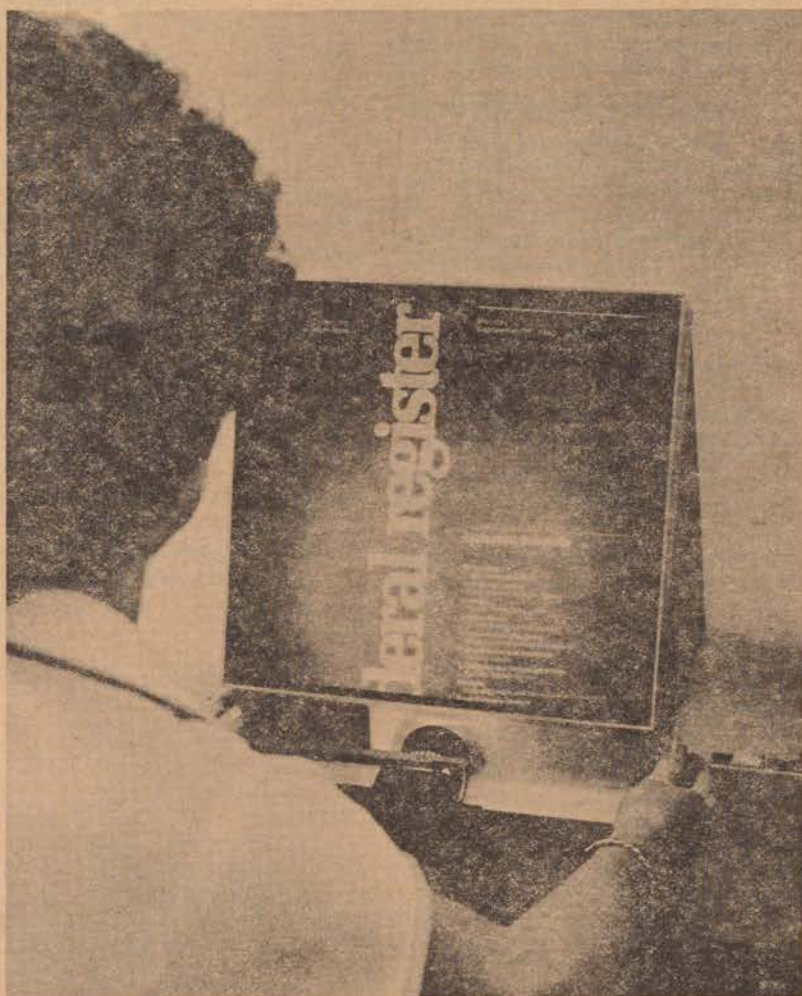
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Total charges \$ _____ Fill in the boxes below.

[illegible]

Expiration Date

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Month/Year

Please send me _____ Federal Register: One year as issued: \$175 domestic; \$218.75 foreign
Six months: \$87.50 domestic; \$109.40 foreign

Code of Federal Regulations: Current year: \$250 domestic; \$312.50 foreign
Previous year's full set (single shipment):
\$155 domestic; \$193.75 foreign

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City _____ State _____ ZIP Code _____

(or Country)

For Office Use Only

Quantity	Charges
_____ Publications	_____
_____ Subscription	_____
Special Shipping Charges	_____
International Handling	_____
Special Charges	_____
OPNR	_____
<hr/>	
_____ UPNS	_____
_____ Balance Due	_____
_____ Discount	_____
_____ Refund	_____