

136, Assistant Secretaries of Defense, Appointment Powers and Duties; section 206 of Executive Order 11222; 4 CFR Chapter II, Federal Claims Collection Standards (General Accounting Office - Department of Justice); 5 CFR 550.1101 - 550.1108 Collection by Offset from Indebted Government Employees (OPM); 13 CFR part 140, Debt Collection (SBA).

D. *Records to be matched:* The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

The SBA will use personal data from the Privacy Act record system identified as SBA 075, entitled, 'Loan Case File', last published in the **Federal Register** at 56 FR 8022 on February 26, 1991.

DMDC will use personal data from the record systems identified as S322.11 DMDC, entitled 'Federal Creditor Agency Debt Collection Data Base,' last published in the **Federal Register** on February 22, 1993, at 58 FR 10875.

Sections 5 and 10 of the Debt Collection Act (Pub.L. 97-365) authorize agencies to disclose information about debtors in order to effect salary or administrative offsets. Agencies must publish routine uses pursuant to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. Sections 5 and 10 of the Debt Collection Act will comprise the necessary authority to meet the Privacy Act's 'compatibility' condition. The systems of records described above contain an appropriate routine use disclosure between the agencies of the information proposed in the match. The routine use provisions are compatible with the purpose for which the information was collected.

E. *Description of computer matching program:* The SBA, as the source agency, will provide DMDC with a magnetic computer tape which contains the names of delinquent debtors in programs the SBA administers. Upon receipt of the magnetic computer tape file of debtor accounts, DMDC will perform a computer match using all nine digits of the SSN of the SBA file against a DMDC computer database. The DMDC database, established under an interagency agreement between DOD, OPM, OMB, and the Department of the Treasury, consists of employment records of Federal employees and military members, active, and retired. Matching records ('hits'), based on the SSN, will produce the member's name, service or agency, category of employee,

and current work or home address. The hits or matches will be furnished to the SBA. The SBA is responsible for verifying and determining that the data on the DMDC reply tape file are consistent with the SBA source file and for resolving any discrepancies or inconsistencies on an individual basis. The SBA will also be responsible for making final determinations as to positive identification, amount of indebtedness and recovery efforts as a result of the match.

The magnetic computer tape provided by SBA will contain data elements of the debtor's name, Social Security Number, debtor status and debt balance, internal account numbers and the total amount owed on approximately 10,000 delinquent debtors.

The DMDC computer database file contains approximately 10 million records of active duty and retired military members, including the Reserve and Guard, and the OPM government wide Federal civilian records of current and retired Federal employees.

F. *Inclusive dates of the matching program:* This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this **Federal Register** notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and will be repeated annually. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between SBA and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. *Address for receipt of public comments or inquiries:* Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202094502. Telephone (703) 607092943.

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Privacy Act of 1974; Computer Matching Program Between the Department of Housing and Urban Development and the Defense Manpower Data Center of the Department of Defense

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, Department of Defense.

ACTION: Notice of a computer matching program between the Department of Housing and Urban Development (HUD) and the Department of Defense (DoD) for public comment.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) requires agencies to publish advance notice of any proposed or revised computer matching program by the matching agency for public comment. The DoD, as the matching agency under the Privacy Act is hereby giving constructive notice in lieu of direct notice to the record subjects of a computer matching program between HUD and DoD that their records are being matched by computer. The record subjects are HUD delinquent debtors who may be current or former Federal employees receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the United States Government under programs administered by HUD so as to permit HUD to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective February 21, 1995, and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202-4502.

FOR FURTHER INFORMATION CONTACT: Mr. Aurelio Nepa, Jr. at telephone (703) 607-2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DMDC and HUD have concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to exchange personal data between the agencies for

debt collection. The match will yield the identity and location of the debtors within the Federal government so that HUD can pursue recoupment of the debt by voluntary payment or by administrative or salary offset procedures. Computer matching appeared to be the most efficient and effective manner to accomplish this task with the least amount of intrusion of personal privacy of the individuals concerned. It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching agreement between HUD and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Systems Accountant, Control and Analysis Division, Department of Housing and Urban Development, 451 7th Street, SW, Room 2124, Washington, DC 20410-8000. Telephone (202) 708-4256.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the **Federal Register** at 54 FR 25818 on June 19, 1989.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on January 9, 1995, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records about Individuals,' dated July 15, 1994 (59 FR 37906, July 25, 1994). The matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: January 13, 1995

Patricia L. Toppings,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

Notice of a Computer Matching Program between the Department of Housing and Urban Development and the Department of Defense for Debt Collection

A. Participating Agencies:

Participants in this computer matching program are the Department of Housing and Urban Development (HUD) and the Defense Manpower Data Center (DMDC)

of the Department of Defense (DoD). The HUD is the source agency, i.e., the activity disclosing the records for the purpose of the match. The DMDC is the specific recipient activity or matching agency, i.e., the agency that actually performs the computer matching.

B. Purpose of the match: Upon the execution of an agreement, the HUD will provide and disclose debtor records to DMDC to identify and locate any matched Federal personnel, employed or retired, who may owe delinquent debts to the Federal Government under certain programs administered by the DOD. The HUD will use this information to initiate independent collection of those debts under the provisions of the Debt Collection Act of 1982 when voluntary payment is not forthcoming. These collection efforts will include requests by the HUD of any employing Federal agency to apply administrative and/or salary offset procedures until such time as the obligation is paid in full.

C. Authority for conducting the match: The legal authority for conducting the matching program is contained in the Debt Collection Act of 1982 (Pub. L. 97-365), 31 U.S.C. Chapter 37, Subchapter I (General) and Subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716 Administrative Offset, 5 U.S.C. 5514 Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C. 136, Assistant Secretaries of Defense, Appointment Powers and Duties; section 206 of Executive Order 11222; 4 CFR chapter II, Federal Claims Collection Standards (General Accounting Office)—Department of Justice); 5 CFR 550.1101—550.1108 Collection by Offset from Indebted Government Employees (OPM); 29 CFR part 17, Administrative Claims, subpart C, 17.60 and 17.125—17.140, Salary Offset Provisions (HUD) implementing 5 U.S.C. 5514(b)(1).

D. Records to be matched: The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

HUD will use personal data from the record system identified as HUD/DEPT 2, entitled 'Accounting Records' last published in the **Federal Register** at 59 FR 52985 on October 20, 1994.

DMDC will use personal data from the record systems identified as S322.11 DMDC, entitled 'Federal Creditor Agency Debt Collection Data Base,' last

published in the **Federal Register** on February 22, 1993, at 58 FR 10875.

Sections 5 and 10 of the Debt Collection Act (Pub.L. 97-365) authorize agencies to disclose information about debtors in order to effect salary or administrative offsets. Agencies must publish routine uses pursuant to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. Sections 5 and 10 of the Debt Collection Act will comprise the necessary authority to meet the Privacy Act's 'compatibility' condition. The systems of records described above contain an appropriate routine use disclosure between the agencies of the information proposed in the match. The routine use provisions are compatible with the purpose for which the information was collected.

E. Description of computer matching program: The HUD, as the source agency, will provide DMDC with a magnetic computer tape which contains the names of delinquent debtors in programs the HUD administers. Upon receipt of the magnetic computer tape file of debtor accounts, DMDC will perform a computer match using all nine digits of the SSN of the HUD file against a DMDC computer database. The DMDC database, established under an interagency agreement between DOD, OPM, OMB, and the Department of the Treasury, consists of employment records of Federal employees and military members, active, and retired. Matching records ('hits'), based on the SSN, will produce the member's name, service or agency, category of employee, and current work or home address. The hits or matches will be furnished to the HUD. The HUD is responsible for verifying and determining that the data on the DMDC reply tape file are consistent with the HUD source file and for resolving any discrepancies or inconsistencies on an individual basis. The HUD will also be responsible for making final determinations as to positive identification, amount of indebtedness and recovery efforts as a result of the match.

The magnetic computer tape provided by HUD will contain data elements of the debtor's name, Social Security Number, debtor status and debt balance, internal account numbers and the total amount owed on approximately 175,000 delinquent debtors.

The DMDC computer database file contains approximately 10 million records of active duty and retired military members, including the Reserve and Guard, and the OPM government

wide Federal civilian records of current and retired Federal employees.

F. Inclusive dates of the matching program: This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this **Federal Register** notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and will be repeated annually. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between HUD and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. Address for receipt of public comments or inquiries: Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202-4502. Telephone (703) 607-2943.

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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Resolution of Potential Conflict of Interest

The Defense Nuclear Facilities Safety Board (Board) has identified and resolved a potential conflict of interest situation related to its contractor, Dr. Joseph A. Leary. This Notice satisfies the requirements of 10 CFR Part 1706.8(e) with respect to publication in the **Federal Register**. Under the Board's Organizational and Consultant Conflicts of Interests Regulations, 10 CFR Part 1706 (OCI Regulations), an organizational or consultant conflict of interest (OCI) means that because of other past, present, or future planned activities or relationships, a contractor or consultant is unable, or potentially unable, to render impartial assistance or advice to the Board, or the objectivity of such offeror or contractor in performing work for the Board is or might be otherwise impaired, or such offeror or

contractor has or would have an unfair competitive advantage. While the OCI Regulations provide that contracts shall generally not be awarded to an organization where the Board has determined that an actual or potential OCI exists and cannot be avoided, the Board may waive this requirement in certain circumstances.

The Board's mission is to provide advice and recommendations to the Department of Energy (DOE) regarding public health and safety matters related to DOE's defense nuclear facilities. This includes the review and evaluation of the content and implementation of health and safety standards including DOE orders, rules, and other safety requirements, relating to the design, construction, operation and decommissioning of DOE defense nuclear facilities.

The Board requires the continued services of TRU Engineering Company, Inc. (TRUECO), specifically Dr. Joseph A. Leary, in support of its reviews of operations at defense nuclear facilities involved in the processing and handling of nuclear materials. The Board's efforts in these areas include, but are not entirely limited to, worker safety and the handling and fabrication of nuclear materials such as uranium, plutonium, americium, curium, and neptunium. Dr. Leary's technical support to the Board, which began in 1991, includes the evaluation of documents as a basis for future operations at various defense nuclear facilities. These efforts have included visits to selected facilities to observe the operations and nuclear technologies utilized at those locations.

Dr. Leary has informed the Board of a potential conflict of interest situation. Specifically, Dr. Leary, as a private individual and not through TRUECO, has a consultant relationship with Los Alamos National Laboratory (LANL) to provide expertise regarding plutonium processing and waste management issues. He provides support to LANL's Nuclear Materials Technology Division (NMTD) by serving as a member of the NMTD External Advisory Committee (Committee). The Committee, which is comprised of eight scientists and engineers from academia and industry, provides technical assistance to LANL management in the chemistry and nuclear materials technology areas, to ensure excellence in those activities. The Committee's basic responsibilities include providing advice to management on the quality of the technical activities conducted in the NMTD and their relevance and appropriateness in relation to LANL's mission. Further, the Committee recommends modifications in the mix of

research and development activities as appropriate including the identification of new program opportunities. Dr. Leary also participated in a joint Los Alamos/Rocky Flats technology effort and facilitated group interactions within the technical and management areas. Finally, he provides general technical and management support to NMTD managers on nuclear materials processing, utilization, safeguards, waste management, and share management skills on construction and operation of nuclear materials processing facilities for integrated national programs on plutonium applications and technology transfer. All of Dr. Leary's efforts at LANL are provided on a part time, intermittent basis as needs arise.

Following a review of this potential OCI, the Board decided to continue its relationship with TRUECO based on the following circumstances. The Board's need for Dr. Leary's technical support is based on his extensive knowledge and direct experience with uranium, plutonium, americium, curium, and neptunium processing and applications, developed over approximately fifty years in various positions of responsibility. These include positions with LANL, the Atomic Energy Commission (AEC), Department of Energy (DOE), and as President of TRUECO. During this period, he was responsible for technical requirements and the conceptual design of facilities for processing radioactive materials, and radiochemical process engineering. Dr. Leary participated in extensive research in uranium and plutonium chemistry and metallurgy, developed new materials and new processes for all aspects of plutonium utilization, and originated and led the LANL pyrochemistry processing program. Additionally, he managed overall research, development, and demonstration programs for plutonium technology at LANL; directed large and complex programs at the AEC and DOE on nuclear materials processing, utilization, safeguards, and waste management; and managed an AEC program to construct and operate nuclear materials processing facilities for an integrated national program on plutonium applications. Consequently, Dr. Leary's unparalleled experience and comprehensive knowledge of nuclear materials processing and handling with the DOE facilities and operations within the Board's oversight authority, makes him a unique source of outside expertise and an invaluable asset to this organization. Further, while the Board has chemical engineers on its staff, Dr.