

Dated: December 6, 1995.

Brad G. Bauer,

*Acting Director, Procurement Services
Division.*

[FR Doc. 95-30590 Filed 12-14-95; 8:45 am]

BILLING CODE 6450-01-P

Privacy Act of 1974; Amendment of Existing System of Records

AGENCY: Department of Energy (DOE).

ACTION: Amendment of one existing system of records.

SUMMARY: Federal Agencies are required by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) to publish notice in the Federal Register of proposed amendments to the routine uses of existing systems of records. The Department of Energy proposes to amend the routine uses of one of its systems of records, DOE-15, Payroll and Pay-Related Data For Employees Of Terminated Contractors, to permit disclosure of certain categories of records in the system for epidemiological and other health studies and surveys and to health studies advisory entities as routine uses of these categories of records.

DATES: The proposed revisions will become effective without further notice 40 days after publication in the Federal Register (January 24, 1996), unless comments are received on or before that date that would result in a contrary determination and a notice is published to that effect.

ADDRESSES: Written comments should be directed to the following address: Director, FOIA/Privacy Act Division, Office of Executive Secretariat, U.S. Department of Energy, HR-78, 1000 Independence Avenue, SW., Washington, DC 20585. Written comments will be available for inspection at the above address between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: (1) Heather Stockwell, Acting Director, Office of Epidemiologic Studies, EH-62, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874-1290, (301) 903-3721 or (2) GayLa D. Sessoms, Director, FOIA/Privacy Act Division, HR-78, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-5955 or (3) Harold Halpern, Office of General Counsel, GC-80, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-7406.

SUPPLEMENTARY INFORMATION: The Department of Energy proposes to

amend the routine uses of one of its systems of record, DOE-15, Payroll and Pay-Related Data For Employees Of Terminated Contractors, to permit disclosure of certain categories of records in this system for epidemiological and other health studies and surveys and to health studies advisory entities as routine uses of these categories of records.

Previously, the Department amended 12 other systems of records to permit disclosure of all categories of records in the 12 systems for health studies and to health studies advisory entities. See 60 FR 33510 (June 28, 1995). The Department received no comments concerning that proposal. The currently proposed amendments, as detailed below, would permit only certain categories of records in this system to be disclosed for health studies and to advisory entities.

Categories of records in DOE-15 to be made available for the new routine uses include employment history, job titles, and discrete portions of payroll data reflecting attendance, illness, or other matters of the type described above. Records that could reflect adversely on their subjects, such as disciplinary actions, reprimands, admonitions, adverse actions, performance appraisals, security infraction notices and similar matters, will not be made available for the proposed new routine uses.

The Department's epidemiology and health surveillance program was established to determine the health effects of the Department's activities on workers and populations having access, or in proximity, to the Department's facilities. Epidemiological studies are an important means of determining the status of, and improving, public health. Epidemiological studies permit the scientific evaluation of the effects of exposure to potentially harmful materials by determining and quantifying health effects associated with such exposures. Health surveys, which are used to assess immediate health issues, are designed to discover the occupational source of outbreaks of illness, injury, or death, and to describe the extent of exposure to specific substances at a single point in time. Surveillance is used to identify new and emerging health problems by monitoring groups of workers, who have the same job or exposures, for changes in their illness and injury patterns over time.

The proposed health study routine use amendments to the system will assist the Department in studying and monitoring individual employee and aggregate population health risks from exposures to radiation or other hazards

that may have occurred as a result of the Department's operations.

Pursuant to Memoranda of Understanding with the Department of Health and Human Services ("HHS"), and the Agency for Toxic Substances and Disease Registry ("ATSDR"), studies, surveys and surveillances will be conducted for DOE by units of the Public Health Service, including the National Institute for Occupational Safety and Health and the National Center for Environmental Health of the Centers for Disease Control and Prevention, and ATSDR, and their contractors, grantees, and cooperative agreement holders. States also may perform studies as the Department's or the Department of Health and Human Services' contractors, grantees, or cooperative agreement holders.

The studies are focussed on a variety of areas that are important for assessing the real and potential health risks to workers and the public resulting from the Department's energy-related technologies and activities. The studies should provide information that is necessary for long-range energy planning pursuant to continued development of the national energy strategy. The health studies include all Department facilities and workers and other special populations that have relevance to the Department's mission.

The proposed new routine uses of records in this system of records are:

(1) Discrete portions of payroll and pay related data reflecting employment history, date of birth, job titles, job descriptions, attendance, accidents, illnesses, medical conditions, exposure to toxic agents and similar matters, may be disclosed to facilitate health hazard evaluations, epidemiological studies, or public health activities required by law performed by personnel, contractor personnel, grantees, and cooperative agreement holders of components of the Department of Health and Human Services, including the National Institute for Occupational Safety and Health and the National Center for Environmental Health of the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry pursuant to Memoranda of Understanding between the Department and the Department of Health and Human Services or its components. Records that may reflect adversely upon individuals, such as records concerning disciplinary actions, reprimands, admonitions, adverse actions, performance appraisals, security infraction notices, supervisor-employee discussions, and similar matters, will not be made available for the proposed new routine uses.

(2) Subject to the same Privacy Act limitations applicable to employees of the Department, discrete portions of payroll and pay related data reflecting employment history, date of birth, job titles, job descriptions, attendance, accidents, illnesses, medical conditions, exposure to toxic agents and similar matters, may be disclosed as a routine use to contractors, grantees, participants in cooperative agreements, collaborating researchers, or their employees, in performance of health studies or related health or environmental duties pursuant to their contracts, grants, and cooperating or collaborating research agreements. In order to perform such studies, the Department, its contractors, grantees, participants in cooperative agreements, and collaborating researchers may disclose a record: to Federal, State, and local health and medical agencies or authorities; to subcontractors in order to determine a subject's vital status or cause of death; to health care providers to verify a diagnosis or cause of death; or to third parties to obtain current addresses for participants in health-related studies, surveys and surveillances. All recipients of such records are required to comply with the Privacy Act, to follow prescribed measures to protect personal privacy, and to disclose or use personally identifiable information only for the above described research purposes. Records that may reflect adversely upon individuals, such as records concerning disciplinary actions, reprimands, admonitions, adverse actions, performance appraisals, security infraction notices, supervisor-employee discussions, and similar matters, will not be made available for the proposed new routine uses.

(3) Discrete portions of payroll and pay related data reflecting employment history, date of birth, job titles, job descriptions, attendance, accidents, illnesses, medical conditions, exposure to toxic agents, and similar matters, may be disclosed to members of Department advisory committees, the Department of Health and Human Services Advisory Committee on Projects Related to Department of Energy Facilities, and to designated employees of Federal, State, or local government, or government-sponsored entities, authorized to provide advice to the Department concerning health, safety, or environmental issues. All recipients of such records are required to comply with the Privacy Act, to follow prescribed measures to protect personal privacy, and to disclose or use personally identifiable information only for the purpose of providing advice to

the Department or to the Department of Health and Human Services. Records that may reflect adversely upon individuals, such as records concerning disciplinary actions, reprimands, admonitions, adverse actions, performance appraisals, security infraction notices, supervisor-employee discussions, and similar matters, will not be made available for the proposed new routine uses.

The proposed health studies amendments should not have adverse privacy consequences. Health studies tend to benefit persons in the studied populations by identifying possible increases in adverse health effects following exposure to toxic agents. Individuals are never identified in published studies and the studies are not used to support determinations concerning any individual's rights, benefits or privileges.

Furthermore, in addition to the withholding of records that may adversely reflect upon individual employees, privacy interests will be protected by a number of means. As a condition of releasing individually identifiable information for studies, surveys, or surveillances conducted for DOE, persons conducting studies will be required to: (1) Keep personal information confidential; (2) use personal information only for purposes of studies in which there is no publication of the identity of any individual subject; (3) consult with DOE prior to any release of personally identifiable information obtained from DOE; (4) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record; (5) 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 from the Department, (c) for disclosure to an authorized person for the purpose of an audit related to the research project, and (d) when required by law. Additionally, the Department will secure a written statement attesting to the recipient's understanding of, and willingness to abide by, these provisions. The provisions in this paragraph apply to DOE collaborating researchers, not those studies being performed by the Department of Health and Human Services.

Privacy safeguards are in place regarding the studies to be conducted pursuant to the Memoranda of Understanding with Department of Health and Human Services or its components. Department of Health and

Human Services has agreed: (1) Not to use or disclose any personally-identifiable information obtained from DOE or its contractors and grantees except for research purposes and other public health activities required by law; (2) not to use information in identifiable form to make any determination about the rights, benefits, or privileges of any individual; (3) to use and disclose information in accord with agreements under which the personally-identifiable information was obtained by the Department or its contractors and provided such use or disclosure is consistent with applicable law; (4) to notify the Department of any efforts to use or obtain personally-identifiable information for purposes other than research or other public health activities required by law; (5) to take appropriate steps to prevent improper disclosure; (6) to establish or modify Privacy Act systems of records broadening the "Categories of Individuals" section to specifically address information provided by DOE, as necessary, and consult with the Department concerning provisions of Privacy Act systems of records notices. Additionally, Department of Health and Human Services requires its contractors, grantees and cooperative agreement holders performing epidemiological studies or other public health activities required by law to abide by conditions similar to those imposed by the Department, as described in this paragraph.

The Department is also adding its (1) authority for maintaining this record system, and (2) Savannah River Operations Office as one of the locations of records contained in DOE-15.

The Department is submitting the report required by Office of Management and Budget Circular A-130 concurrently with the publication of this notice. The text of this notice contains the information required by the Privacy Act, 5 U.S.C 552a(e)(4)(d).

Issued in Washington, DC this 11th day of December, 1995.

Archer L. Durham,

Assistant Secretary for Human Resources and Administration.

DOE-15

SYSTEM NAME:

Payroll and Pay-Related Data for Employees of Terminated Contractors.

SYSTEM LOCATION:

U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585
U.S. Department of Energy, Albuquerque Operations Office, PO

Box 5400, Albuquerque, N.M. 87185-5400
 U.S. Department of Energy, Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439
 U.S. Department of Energy, Idaho Operations Office, 785 DOE Place, Idaho Falls, ID 83402
 U.S. Department of Energy, Oak Ridge Operations Office, PO Box 2001, Oak Ridge, TN 37831-8501
 U.S. Department of Energy, Richland Operations Office, 825 Jadwin Avenue, PO Box 550, Richland, WA 99352
 U.S. Department of Energy, Savannah River Operations Office, PO Box A, Aiken, SC 29802
 U.S. Department of Energy, Western Area Power Administration, PO Box 4302, Golden, CO 80401

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former contractor employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee payroll data from terminated contractors, employment history, job titles, complaints, salary reviews, and similar information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act.

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

The records are used to verify past earnings, job titles, periods of employment, and pay status for Government agencies, litigation and medical decisions, plus the following:

1. In the event that a record within this system of records maintained by this agency indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred as a routine use to the appropriate agency, whether Federal, State, local, 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 information, such as current licenses, if necessary, to

obtain information 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.

3. A record from this system of record may be disclosed, as a routine use, 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 information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, (a) to appropriate parties engaged in litigation or in preparation of possible litigation, such as potential witnesses, for the purpose of securing their testimony when necessary; (b) to courts, magistrates, or administrative tribunals; (c) to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; and (d) to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

5. A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in Department of Justice regulations 28 CFR 50.2.

6. A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with treaty obligations.

7. A record from this system of records may be disclosed to 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 any stage of the legislative coordination and clearance process as set forth in that Circular.

8. A record from this system of records may be disclosed, as a routine use, to DOE contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties subject to the same limitations applicable to DOE officers and employees under the Privacy Act.

9. A record in this system of records may be disclosed, as a routine use, to a member of Congress submitting a request involving the individual when the individual is a constituent of the member and has requested assistance

from the member with respect to the subject matter of the record.

10. A record in this system of records which contains medical and/or psychological information may be disclosed, as a routine use, to the physician or mental health professional of any individual submitting a request for access to the record under the Privacy Act of 1974 and DOE's Privacy Act regulations if, in its sole judgment and good faith, DOE believes that disclosure of the medical and/or psychological information directly to the individual who is the subject of the record could have an adverse effect upon that individual, in accordance with the provisions of 5 U.S.C. 552a(f)(3) and applicable DOE regulations.

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

11. Discrete portions of payroll and pay related data reflecting employment history, date of birth, job titles, job descriptions, attendance, accidents, illnesses, medical conditions, exposure to toxic agents and similar matters, may be disclosed to facilitate health hazard evaluations, epidemiological studies, or public health activities required by law performed by personnel, contractor personnel, grantees, and cooperative agreement holders of components of the Department of Health and Human Services, including the National Institute for Occupational Safety and Health and the National Center for Environmental Health of the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry pursuant to Memoranda of Understanding between the Department and the Department of Health and Human Services or its components. Records that may reflect adversely upon individuals, such as records concerning disciplinary actions, reprimands, admonitions, adverse actions, performance appraisals, security infraction notices, supervisor-employee discussions, and similar matters, will not be made available for the proposed new routine uses.

12. Subject to the same Privacy Act limitations applicable to employees of the Department, discrete portions of payroll and pay related data reflecting employment history, date of birth, job titles, job descriptions, attendance, accidents, illnesses, medical conditions, exposure to toxic agents and similar matters, may be disclosed as a routine use to contractors, grantees, participants in cooperative agreements, collaborating researchers, or their employees, in

performance of health studies or related health or environmental duties pursuant to their contracts, grants, and cooperating or collaborating research agreements. In order to perform such studies, the Department, its contractors, grantees, participants in cooperative agreements, and collaborating researchers may disclose a record: To Federal, State, and local health and medical agencies or authorities; to subcontractors in order to determine a subject's vital status or cause of death; to health care providers to verify a diagnosis or cause of death; or to third parties to obtain current addresses for participants in health-related studies, surveys and surveillances. All recipients of such records are required to comply with the Privacy Act, to follow prescribed measures to protect personal privacy, and to disclose or use personally identifiable information only for the above described research purposes. Records that may reflect adversely upon individuals, such as records concerning disciplinary actions, reprimands, admonitions, adverse actions, performance appraisals, security infraction notices, supervisor-employee discussions, and similar matters, will not be made available for the proposed new routine uses.

13. Discrete portions of payroll and pay related data reflecting employment history, date of birth, job titles, job descriptions, attendance, accidents, illnesses, medical conditions, exposure to toxic agents, and similar matters, may be disclosed to members of Department advisory committees, the Department of Health and Human Services Advisory Committee on Projects Related to Department of Energy Facilities, and to designated employees of Federal, State, or local government, or government-sponsored entities, authorized to provide advice to the Department concerning health, safety, or environmental issues. All recipients of such records are required to comply with the Privacy Act, to follow prescribed measures to protect personal privacy, and to disclose or use personally identifiable information only for the purpose of providing advice to the Department or to the Department of Health and Human Services. Records that may reflect adversely upon individuals, such as records concerning disciplinary actions, reprimands, admonitions, adverse actions, performance appraisals, security infraction notices, supervisor-employee discussions, and similar matters, will not be made available for the proposed new routine uses.

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

STORAGE:

Paper records.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in DOE records holding area.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in the General Records Schedule and DOE records schedules which have been approved by the National Archives and Records Administration. Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters: U.S. Department of Energy, Office of Contractor Human Resource Management, (HR-54) 1000 Independence Avenue, SW., Washington, DC 20585.

Field Offices: The directors of contractors industrial relations at the location where the records are maintained are the system managers for their respective portions of this system.

NOTIFICATION PROCEDURE:

a. Requests by an individual to determine if a system of records contains information about him/her should be directed to the Director, FOIA/Privacy Act Division, Department of Energy, Washington, DC 20585, or the Privacy Act Officer at the appropriate address identified under the heading "System location", above, in accordance with the Department's Privacy Act regulations (10 CFR part 1008 (45 FR 61576, September 16, 1980)).

b. Required identifying information: Complete name, the geographic location(s) and organization(s) where requester believes such record may be located, date of birth, and time period.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

DOE contractors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 95-30587 Filed 12-14-95; 8:45 am]

BILLING CODE 6450-01-P

Federal Energy Regulatory Commission

[Docket No. EC96-5-000]

Old Dominion Electric Cooperative; Notice of Application

December 11, 1995.

Take notice that on December 11, 1995, Old Dominion Electric Cooperative ("Old Dominion" or "Applicant") filed an application seeking an order under Section 203 of the Federal Power Act authorizing Old Dominion to enter a lease and leaseback transaction that includes its 50% undivided interest in certain jurisdictional transmission facilities related to Unit 1 at the Clover Power Station located in Halifax County, Virginia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before December 22, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 95-30526 Filed 12-14-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP96-95-000]

Koch Gateway Pipeline Company; Notice of Request Under Blanket Authorization

December 11, 1995.

Take notice that on December 4, 1995, Koch Gateway Pipeline Company (Koch Gateway), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP96-95-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to operate as a jurisdictional facility, a delivery tap placed in service under Section 311(a) of the Natural Gas Policy Act and § 284.3(c) of the Commission's Regulations, under Koch Gateway's blanket certificate issued in Docket No.